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THE REFORMATION IN SCOTLAND

CAUSES, CHARACTERISTICS, CONSEQUENCES

THE STONE LECTURES AT PRINCETON
THEOLOGICAL SEMINARY FOR 1907–1908

BY

DAVID HAY FLEMING, LL.D.

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To

The Memory of

R. A. H. F.

who

had a clear head and clever hands,
was God-fearing, courageous and gentle,
knew no guile, no vanity, no selfishness,
delighted in making others happy,
honoured the upright and the conscientious,
held the trimmer and the time-server in contempt,
admired all that was beautiful,
abhorred all that was mean,
loathed all that was vile.

41800

PREFACE

Since these lectures were delivered they have been revised and very much enlarged. In them questions are discussed with considerable fulness, which have been either ignored or superficially dealt with in previous works on the Scottish Reformation. Some of these questions are of great importance.

Regarding the destruction of churches and other ecclesiastical buildings, it is shown that not only were many of these ruined by the English in the second quarter of the sixteenth century; but that others were destroyed by the lawless Borderers; that many were in a very dilapidated condition through neglect when the storm of the Reformation burst upon the country; that much less damage was done at that time than is usually supposed; and that the Reformed Church from the first urged the repair of all the

necessary places of worship. The cathedrals are considered one by one, and proof is given that almost all of them were used for preaching after the Reformation. The pre-Reformation clergy are shown to have been in a more deplorable condition even than their buildings. Their ignorance, their credulity, their rapacity, are all candidly dealt with, and so too, as far as modesty permits, is their woeful immorality. On this last failing much more might have been said, further proofs and examples might have been produced, but the subject is an unpleasant one. To the evils associated with the conferring of benefices a lecture is devoted; and in another the iniquitous marriage laws of the Latin Church are expounded and exposed. Light is thrown on the threatened rupture with Rome at the beginning of the reign of James v. That rupture was averted with difficulty. Unfortunately it was averted, otherwise the Reformation of Scotland might have preceded that of England.

Throughout the lectures and the notes a number of hitherto unprinted documents have been used, and of such the Appendices largely consist. There are several things which are touched upon very lightly. These I intend to discuss thoroughly in my *Life of Knox.*

For reading the proofs my grateful thanks are due to ex-Bailie Cuthbert (formerly of Glasgow, now of St. Andrews), who has gone through the whole book most carefully; to the Rev. John Sturrock, the Rev. A. S. Mactavish, and the Rev. James Robb, B.D., who have read most of it; to Dr. Taylor Innes, Mr. Oldrieve, of H.M. Office of Works, Mr. John Watson, President of the Edinburgh Architectural Association, Mr. Alexander Hutcheson, Broughty-Ferry, and Mr. William Cowan, Edinburgh, who have read special portions. For help of various kinds I am much indebted to Dr. David Patrick, Dr. Maitland Thomson, and Dr. W. A. Craigie. My researches in the Register House have been

greatly facilitated by the unfailing courtesy and kindness of the Rev. John Anderson and Mr. William Angus. In many ways Mr. Alexander Gow has been helpful, and has furnished most of the translations. By my sister (Mrs. Clendinnen) and Mr. Robb the labour of preparing the Index has been greatly lightened.

D. H. F.

4 Chamberlain Road,
Edinburgh, *December* 1909.

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LEADING DATES

1407.	James Resby burned at Perth.
1411–12, 28th Feb.	St. Andrews University founded.
1424–25, 12th Mar.	Parliament ordered inquiry for heretics and Lollards.
1433.	Paul Craw burned at St. Andrews.
1496, 13th June.	First Scottish Education Act passed.
1513, 9th Sept.	Flodden.
1517, 31st Oct.	Luther issued his ninety-five Theses.
1520, 10th Dec.	He burned the papal bull of excommunication.
1525, 17th July.	Parliament forbade the importation of Lutheran books.
1527, 26th Oct.	Monsieur de la Tour burned at Paris.
1527–28, 29th Feb.	Patrick Hamilton burned at St. Andrews.
1540–41, 14th Mar.	Parliament passed Acts against heresy.
1542, 14th Dec.	James v. died.
1542–43, 3rd Jan.	Earl of Arran proclaimed Regent.
,, 15th Mar.	Parliament permitted the reading of the Scriptures in the vernacular.
1545–46, 1st Mar.	George Wishart burned at St. Andrews.
1546, 29th May.	Cardinal Betoun slain in St. Andrews Castle.
1546–47, 28th Jan.	Henry VIII. died.
1547.	Knox called to the ministry.
1553, 6th July.	Edward VI. died.
1554, 12th April.	Queen Dowager became Regent.

1557,	3rd Dec.	(? First formal) Band or Covenant sworn.
1558,	24th April.	Queen Mary married the Dauphin.
„	28th „	Walter Myll burned at St. Andrews.
„	17th Nov.	Mary Tudor died.
1559,	2nd May.	Knox returned to Scotland.
„	11th „	Perth monasteries sacked.
1560,	11th June.	Queen Dowager died.
„	6th July.	Treaty of Edinburgh signed.
„	17th Aug.	Parliament ratified the Confession of Faith.
,	24th „	Parliament abolished Papal authority and proscribed the mass.
„	20th Dec.	First General Assembly met at Edinburgh.
1561,	19th Aug.	Queen Mary returned to Scotland.
1565,	29th July.	She married Darnley.
1566,	19th June.	James VI. born.
1567,	17th June.	Mary imprisoned in Loch Leven Castle.
„	29th July.	James VI. crowned.
„	22nd Aug.	Earl of Murray proclaimed Regent.
1568,	2nd May.	Mary escaped from Loch Leven.
„	16th „	She crossed the Solway.
1569–70,	23rd Jan.	Regent Murray assassinated.
1571,	7th April.	Archbishop Hamilton hanged.
1572,	24th Aug.	Massacre of St. Bartholomew.
„	24th Nov.	Knox died.

I

THE BEGINNINGS

The beginnings of the Reformation in England and Scotland, as well as on the Continent, can be traced much further back than the sixteenth century. The Wiclifite movement had been sternly repressed by fire and faggot, but had not been altogether eradicated, when interest was wakened anew in Bible principles; and these were gathering so much favour in England that sooner or later that nation would have cast off the papal supremacy, although Henry VIII. had not quarrelled with the pope. That quarrel gave impetus to, but did not originate, the Reformation movement in England. At the time of Flodden, Scotland had almost repudiated the pope's authority. The threatened breach was then averted, but the good seed sown by Patrick Hamilton had borne fruit before the Anglo-Roman rupture had taken place. Of that rupture the movement in Scotland was not a sequel.

In the Middle Ages, Britain seems to have been influenced very slightly, if at all, by the opinions

of so-called heretics on the Continent. One of the early historians of England, William of Newburgh, an Augustinian canon, who was born in or about 1135, confesses that the island gave birth to Pelagius, the heresiarch of the East; but he boasts that, after the ancient Britons had been expelled by the Angles, "no poisonous heresy ever issued from it; nor till the time of King Henry the Second [1154–1189] did it enter from other countries for the purpose of propagation and extension." In his account of that attempt, which may be safely assigned to 1166, William states that fully thirty men and women came to England to disseminate their heresy. Their leader was one Gerard. "He alone had any tincture of learning; the others, Germans by birth and language, were both illiterate and silly, as well as uncouth and rude." When discovered, they were thrown into prison; and were examined before an ecclesiastical council at Oxford. Gerard, speaking for all, said that they were Christians, and highly venerated apostolic doctrine. "Being questioned singly concerning the articles of the holy faith," William says, "they answered rightly concerning the substance of the doctrines of the Heavenly Physician, but perversely concerning those remedies—that is, the holy sacraments—whereby He deigns to heal human infirmity; execrating holy baptism, the eucharist, and matrimony; and, with impious daring, derogated from the catholic unity, which admits of these divine assistances. . . . When admonished to repent, and become united to the body

of the Church, they despised all wholesome counsel. They laughed at the threats piously held out to induce them to become wise even through fear."

As convicted heretics, they were handed over by the bishops to the civil power for "corporal discipline." One disciple, an Englishwoman, becoming terrified, recanted. The others, when led forth for punishment, rejoiced, and sang, "Blessed shall ye be when men shall hate you." Each was branded on the forehead; and the leader, on the chin as well. "Their garments being torn down to their waists, they were publicly scourged; and while the lash yet resounded, they were expelled the city, and miserably perished from the severity of the cold, for it was winter; while no person showed them the smallest pity."

As William of Newburgh was a contemporary, his account of the treatment meted out to those foreigners is, no doubt, trustworthy, but it might not be safe to accept his account of their principles as accurate, for ecclesiastics have seldom been scrupulous in stating the opinions of those from whom they differed. William heartily approved of the punishment. "The pious rigour of this severity," he says, "not only cleansed the kingdom of England from that pest which had crept into it, but also provided against its further intrusion, by the terror which it struck into heretics."[1]

[1] *Church Historians of England*, iv. 460, 461; *Chronicles of the Reigns of Stephen, Henry II., and Richard I.*, Rolls Series, i. 131–134.—William believed that these heretics belonged to the sect "commonly called Publicans."

It is worth noting that in William of Newburgh's day, as in later times, the bishops were much more ready to suppress heresy than to correct the moral delinquencies of the clergy. William candidly says—

"It was intimated by the judges to the king (who had enough to do with the cares of the kingdom, and was ordering all malefactors to be indiscriminately banished) that many crimes against public order, such as thefts, rapines, and murders, were repeatedly committed by the clergy, over whom the power of lay jurisdiction could not be extended. In short it is said to have been declared, in his presence, that during his reign more than a hundred murders had been committed by clergymen within the bounds of England."

At that time, Henry II. had not been more than ten years upon the throne, and it seems almost incredible that the clergy should have been so abandoned, and so violent, as to murder a hundred people in such a short period. But William speaks of the English clergy as then including "many thousands" of those who were at least slightly criminal, "like the chaff innumerable amid the few grains of corn." For this lamentable state of matters he blames the bishops, who, he

Neander suggests that *Publicani* may be a mutilation of the name *Paulicians* (Torrey's *Neander*, viii. 369). In S. R. Maitland's opinion there is no other admissible explanation (*Eight Essays on Various Subjects*, 1852, p. 172). Milman, citing William of Newburgh, inadvertently says that these heretics were burned (*Latin Christianity*, 1883, v. 390).

affirms, were more anxious to maintain the rights of the clergy than to root out their vices. Hence, he says, they take licence to do what they please with impunity, "while the prerogative of holy orders exempts them from secular jurisdiction."[1]

Notwithstanding the manifold abuses and corruptions by which the mediæval Church was disfigured and disgraced, notwithstanding the perversion of doctrine and the spiritual darkness which prevailed, Christ never left Himself without a witness. There were always some devout souls struggling towards the light; and these were safe in the hands of Him who will neither break the bruised reed nor quench the smoking flax. To some of them, salvation might only be

[1] *Chronicles of the Reigns of Stephen, Henry II., and Richard I.*, i. 140, 141.—Lingard, while admitting "that there were in these turbulent times many criminals among the clergy," doubts whether "it were ever said that they had committed more than a hundred homicides within the last ten years," and holds that William of Newburgh's "testimony amounts only to this, that it was said that someone had said so" (*History of England*, sixth edition revised, 1855, ii. 64, 65). In the Rev. Joseph Stevenson's translation of William of Newburgh (*Church Historians of England*, iv. 466) *declaratum dicitur* is rendered *it was declared*. Stevenson, then vicar of Leighton Buzzard, afterwards became a Jesuit. "We have abundant evidence that the 'disorderly manners of men in orders'—'murderers, thieves, robbers, assassins, and practisers of other atrocities'—had become a crying nuisance. The ecclesiastical tribunals claimed exclusive jurisdiction over the clergy in cases of every kind; and thus these 'tonsured demons . . .' were exempted from the judgment of the secular courts" (J. C. Robertson's *Becket, Archbishop of Canterbury*, 1859, pp. 74, 75). "To put an end to the disgraceful state of things which had arisen," the king, Henry II., wished to subject "clerical offenders against the public peace to the same jurisdiction with other criminals"; but Becket strenuously resisted the "proposal which tended to lessen the privileges of the hierarchy; and on this quarrel the whole of the subsequent history turned" (*ibid.* pp. 76, 77).

a personal matter; but there were others who ardently wished to help those around them. Some of these men tried to spread the light they had themselves received; some tried to remove abuses; some opened up new forms of service, or struck out new methods of work. The result in many cases might be very small; but every honest attempt, whether crowned with success or not, helped at least to prevent stagnation. In the present day, some of the best men occupy positions so humble, and their work is so unobtrusive, that they are never heard of. It is no wonder, therefore, that we know nothing of Christ's hidden ones in the dark ages. Even of those who were then prominent standard-bearers, many are now utterly forgotten by the great mass of their own countrymen, and are known by name to comparatively few. On the other hand, some have established an enduring reputation, and are still gratefully remembered.

The most outstanding churchman in England in the thirteenth century was Robert Grosseteste, Bishop of Lincoln. Though his opinions on various important matters were warped by his training and surroundings, he had much to commend him. Distinguished not only by natural ability and scholarship, but by virtue and earnestness, he set himself with rare steadfastness and courage to combat abuses and corruption. In the University of Oxford, of which he was chancellor, he placed the study of the

Scriptures above all other studies; and in his opinion the highest wisdom was to know Jesus Christ and Him crucified.

In the following century, Grosseteste was respected and admired by one who earned from his own contemporaries the title of "The Evangelical Doctor," and who has been long regarded as "The Morning Star of the Reformation." Though Wiclif never occupied the exalted position or wielded the ecclesiastical power of Grosseteste, his far-reaching work was much more radical in its nature, and the results have been much more enduring.

From the preamble of an English statute, it is learned that, two and a half years before Wiclif's death, his preachers practically rejected the authority of the bishops, ignored their citations, despised the monitions and censures of "Holy Church," and preached daily, not only in churches and cemeteries, but also in other public places, and at markets and fairs, where there were greater congregations of the people.[1] All through his life, Wiclif proved himself to be a man of umblemished character, of fearless courage, of holy zeal, and of unselfish devotion. By his contemporaries—even by those who were his enemies—he was regarded as an eminent scholar. He accomplished a great work

[1] Ruffhead's *Statutes at Large*, 1769, i. 356.—This statute was made at Westminster in May 1382. Foxe (Cattley's edition, iii. 37) quotes part of a petition from the Commons, to show that they had not agreed to it, and that they desired it to be annulled.

by tongue, by pen, by example. His lectures in Oxford influenced many of the leading thinkers of his time; his writings reached the rulers of the State; his sermons touched the hearts of his countrymen. His translation of the Bible from the Vulgate will ever redound to his praise, as will also his clear assertion of the principle that the Bible itself is the only infallible and absolute standard of truth. Although he did not attain to Luther's clearness of perception in the doctrine of justification by faith, he insisted that Christ alone is our Mediator and Saviour, and that He alone is the real and governing Head of the Church.

Through the Scotch students who studied at Oxford University in Wiclif's time,[1] his influence was probably felt in Scotland before his death. It was certainly felt there after it.

The earliest reference to heretics in Scotland occurs in a bull of Pope John XXII., dated at Avignon on the 13th of June 1329. The kings of Scotland had long desired to be crowned and anointed, but their desire had been successfully resisted by the kings of England and the archbishops of York, until Robert the Bruce broke the English yoke. When Pope John XXII. granted

[1] Richard II., in December 1382, forbade the chancellor and proctors of Oxford University to molest the Scotch students (*pretendentes scolares de partibus Scotie*) notwithstanding their damnable adherence (*dampnabiliter adherere*) to the anti-pope (*Rotuli Scotiæ*, ii. 45, 46). This is not the only proof that in those days Scottish scholars found their way to Oxford.

the coveted privilege in this bull, he stipulated that the officiating bishop must, in the name of the pope and of the see of Rome, exact an oath from the king that he would do his uttermost to exterminate from his kingdom all those whom the Church should denounce as heretics.[1]

In several purely Scottish documents of that century there are references to heretics. Perhaps the earliest of these occurs in a law concerning criminals, who claimed the protection of the Church. That law, which belongs to the reign of Alexander II. (1214–1249), originally contained no reference to heretics, but afterwards a clause was added for burning them.[2] The precise date when this addition—*sed heretici debent comburi*—was made cannot be ascertained. As it occurs, however, in the *Regiam Majestatem* in the Cromertie MS., the handwriting of which has been assigned to the latter part of the fourteenth century, it possibly precedes, by at least several years, the English Act *De Hæretico comburendo*.[3] The other undated reference belonging to that period occurs in a form of general excommunica-

[1] Robertson's *Statuta Ecclesiæ Scoticanæ*, i. p. xlvii.

[2] *Acts of the Parliaments of Scotland*, i. 401, 640.

[3] Cosmo Innes says that the handwriting of the Cromertie MS. "may be ascribed to the latter part of the fourteenth century, but cannot be dated later than the reign of Robert III.," that is, 1390–1406 (*Acts of Parliament*, i. 184). The Cromertie MS. is in the Advocates' Library, the new press-mark being 25.5.10. I have had no opportunity of examining the Bute MS. which may also have the burning clause, and which has been ascribed to the reign of Robert II., *i.e.* 1371–1390. The English statute *De Hæretico comburendo* was enacted in January 1400-01 (*Statutes at Large*, 1769, i. 434, 440, 441).

tion recorded among the fourteenth century synodal statutes of St. Andrews. One of the clauses is devoted to those who favour heretics and receive schismatics wittingly.[1]

These two references to heretics may have been suggested by the stipulation in the papal bull of 1329; but it is quite likely that their appearance was due to the spread of Lollardism in England. The intolerant clauses in these two Scottish documents may have been formulated in Wiclif's lifetime, when his most prominent disciples were silenced, intimidated, or driven from England, through the energetic action of Archbishop Courtnay. The persecution which broke out in England after Wiclif's death (31st December 1384) caused a number of his followers to go into Scotland. The date of their arrival is not precisely known, but their presence seems to have been realised before the close of the fourteenth century. At a Council-general, held at Perth on the 27th of January 1398–99, it was deemed expedient that David, Duke of Rothesay, should be appointed lieutenant to his father, King Robert III. Among other specified duties, David was to restrain and punish all men-slayers, reivers, fire-raisers, and generally all mis-doers, and specially, at the request of the Kirk, to restrain "cursit men, heretikis, and put fra the Kyrke."[2] Heretics are here classed with

[1] Patrick's *Statutes of the Scottish Church*, Scottish History Society, p. 76.

[2] *Acts of the Parliaments of Scotland*, i. 573.

cursed, that is excommunicated, men. This is the earliest known dated reference to heretics in a document drawn up in Scotland.

During the fifteenth century, the references become more numerous and more definite. In the *Register of Kelso Abbey* there are two summonses, respectively dated 8th February and 14th March 1402–03, issued by the Bishop of Durham against three priests, James Notyngham, Robert of Roxburgh, and John Wythby, who were vehemently suspected of perverse and erroneous doctrine and opposed to the Catholic faith. These priests, who had probably adopted Wiclif's doctrines, may have fled to Scotland; or the abbey scribe may have copied the summonses into the Register merely as models for future use.[1] The Duke of Albany, who was appointed governor of the kingdom in June 1406, was noted for his hatred of Lollards and heretics, as Wyntoun, his contemporary, testifies—

> "He wes a constant Catholike;
> All Lollard he hatyt and heretike."[2]

[1] *Liber S. Marie de Calchou*, Bannatyne Club, ii. 435–437.

[2] Laing's *Wyntoun*, iii. 100.—Wyntoun's designation in another passage of the heretics of the fourth century as "Lollardyis" (*ibid.* i. 401), seems to imply that in the Scotland of his own day the name at least was well known. Among the terms of reproach which Kennedie hurled at Dunbar were "Lollard laureate," and "lamp of Lollardorum" (*The Poems of William Dunbar*, Scottish Text Society, ii. 28, 29). In a sixteenth-century metrical version of the Lord's Prayer these lines occur—

> "Saif us from schame, and from dispair,
> From unbeleve, and Lollardis lair."

Dr. Mitchell infers that "the prayer to be delivered from the lair or teaching of the Lollards seems to show that, at the time he wrote this hymn,

Another contemporary, Walter Bower, the Abbot of Inchcolme, devotes a chapter of his continuation of the *Scotichronicon* to the burning of the heretic, James Resby, at Perth, in 1407. Bower describes Resby as an English presbyter of the Wiclif school, and states that he was condemned in a council of the clergy, under Master Laurence of Lindores, "inquisitor of heretical pravity." The mere fact that there was an "inquisitor of heretical pravity" indicates that formal steps had at least been taken for dealing with any heresy that had risen, or might arise, in Scotland. Two of the charges brought against Resby are specified; first, he held that the pope is not *de facto* the vicar of Christ; and, second, that no one is pope or Christ's vicar unless he be holy. He is alleged to have held forty similar conclusions or worse. Laurence is credited with having confuted and burned to ashes both the heretic and his writings. Bower admits that Resby's preaching was highly esteemed by the common people; and that the fire did not put an end to heresy in Scotland, where there were still

the author can hardly have made up his mind finally to break with the old church" (*The Gude and Godlie Ballatis*, Scottish Text Society, p. 13). In a mandate to the Archbishop of Canterbury, in 1395, the pope refers to "a certain crafty and bold sect of *pseudo* Christians, who call themselves the poor men of the treasure of Christ and His disciples, and whom the vulgar call by the sounder (*saniori*) name of Lolards, like dry tares (*quasi lolium aridum*). These not men, but damnable shades of men," etc. (*Calendar of Papal Registers, Papal Letters*, iv. 515). According to the *New English Dictionary*, Lollard is from the middle Dutch, "*lollærd*, literally mumbler, mutterer, formed on *lollen*, to mutter, mumble."

Lollards who cherished Wiclif's opinions and his little books. Bower did not remember seeing any of these heretics die in a Christian manner. He could hardly expect that they would, for, he says, they inveighed against the Lord's flock and the pope.

The arguments by which Laurence of Lindores "refuted" Resby are by no means convincing. He reasoned thus: What could be more heretical than to say that the pope is not *de facto* the vicar of Christ? Some one must be *de facto* the vicar of Christ, else the Church, so far as a head of the ministry is concerned, would be headless. That head is the pope. Therefore, the pope is *de facto* Peter's vicar, and to be Peter's vicar is to have plenitude of power of binding and loosing; but the pope alone has this plenitude of power, for to him alone has been committed the care of the whole flock of the Lord. It was no valid objection to say that the present pope was unlike Peter in life and morals; otherwise, any one might be Peter's vicar who was as holy as Peter, and it would be unlawful to elect a pope unless he were holy, and he could neither absolve nor bind in Peter's place unless he were holy; and, consequently, it would neither be lawful to elect a pope, nor for one, when elected, to exercise Peter's office, since it is impossible to be certain that any one in this life is holy or exempt from mortal sin.

When Laurence thus confuted Resby there

were two popes, Benedict XIII. and Gregory XII., who, two years later, were both, by the Council of Pisa, declared to be schismatics and deposed. It may have been this which prompted Bower to clinch the argument of Laurence by citing the *Revelations of St. Bridget* to prove, by the authority of the Virgin Mary, that a pope, who is free from heresy, has full authority and perfect power to bind and loose souls, however much he may be polluted with other sins and evil works, since God holds stable and approves the just and reasonable judgments given in the world by many supreme pontiffs who are now in hell.[1]

It was in 1407 that Resby was martyred. Laurence of Lindores is known to have been Abbot of the Augustinian monastery at Scone in 1411;[2] and he was one of the founders of, and first lecturers in, the University of St. Andrews.[3] At a congregation of that University held in 1416, it was enacted that all who commenced masters of arts should swear, *inter alia*, that they would defend the Church against the reviling of the Lollards, and would resist the adherents of that sect as far as they were able.[4] This enactment may have been due to the zeal of Laurence of Lindores.

[1] *Joannis de Fordun Scotichronicon, cum Supplementis ac Continuatione Walteri Boweri, editum curâ Walteri Goodall*, 1759, ii. 441–443.—Bower died in 1449.

[2] *Liber Ecclesie de Scon*, p. xii.

[3] Lee's *Lectures on the History of the Church of Scotland*, i. 14.

[4] M'Crie's *Life of Andrew Melville*, 1824, i. 420.

Knox begins his *History of the Reformation* with this sentence—

"In the scrollis of Glasgw is found mentioun of one whais name is not expressed, that, in the year of God 1422, was burnt for heresye; bot what war his opinionis, or by what ordour he was condempned, it appearis not evidentlie."[1]

By "the scrollis of Glasgw" Knox must have meant a register or record of some kind, but which register or record no one can tell, and no earlier writer than Knox is known to have mentioned or referred to any one who suffered death for his religious opinions in Scotland in 1422. The first complete edition of Knox's *History* was printed at London in 1644, and the editor, David Buchanan, was unscrupulous enough to alter the first sentence, making it read thus:—

"In the records of Glasgow is found mention of one whose name was James Resby, an Englishman by birth, scholler to Wickliff; he was accused as an heretike by one Laurence Lindors in Scotland, and burnt for having said that the pope was not the vicar of Christ, and that a man of wicked life was

[1] Laing's *Knox*, i. 5, 6.—In the 1732 edition, which was printed from a different MS., this sentence is exactly the same save in the spelling. In both, the date 1422 is given in figures. In the *Breve Chronicon*, 1067–1413 (embodied in the *Registrum Episcopatus Glasguensis*, ii. 314–316), there is this entry: "*Combustio Jacobi Henrici apud Perth*, A.D. 1407." Despite the difference in the martyr's surname, there can be no doubt, from the place and the date, that this refers to James Resby. It cannot have been this entry to which Knox referred, for the name, though wrongly given, is expressed.

not to be acknowledged for pope. This fell out, *anno* 1422."[1]

David Buchanan here assumed that Knox meant Resby, and therefore inserted his name and a brief summary of what was known about him; and substituted for the real date of Resby's martyrdom the date given by Knox for the unnamed martyr. Buchanan had probably two reasons for identifying the unnamed man as Resby. In the first place, he could only find two martyrs mentioned as having suffered in Scotland in that century, James Resby and Paul Craw; and, in the second place, Knox names Craw, but makes no reference whatever to Resby, directly or indirectly, unless this unnamed martyr could be he.[2] The question remains. Did any one suffer martyrdom in Scotland in 1422? The only proof in support of the affirmative is the assertion in Knox. The original MS. of his *History* is not known to exist; but there is a MS. copy of it in the Edinburgh University

[1] This passage is exactly the same in the edition reprinted in Edinburgh in 1644.

[2] Neither Knox nor David Buchanan says that this martyr was burned in Glasgow. They give no place. But from the phrase "the records of Glasgow," Petrie inferred that it took place there, and so, in his *Compendious History* (i. 557), published in 1662, he gave Glasgow instead of Perth as the place where Resby was burned, but retained 1407 as the date. The younger M'Crie was so far misled by Buchanan as to give, in his *Sketches of Scottish Church History* (i. 20) and also in his *Story of the Scottish Church* (p. 9), the year 1422 as the date of Resby's martyrdom. The elder M'Crie (*Life of Melville*, 1824, i. 420) and Hill Burton (*History of Scotland*, 1876, iii. 386) erroneously give John instead of James as Resby's Christian name.

Library in the handwriting of Knox's period, and some of the marginal notes are believed to be in his own hand.[1] On examining this copy, I found that the writer, or transcriber, had left a blank for the date, which had been filled in afterwards. This suggests the idea that the date was either awanting or indistinct in the MS. from which this copy was taken, and one would like to know who supplied the date and what authority he had. Until more light is shed on this point or some corroboration is found, it is hardly safe, perhaps, to assert positively that there was a martyr burned in Scotland in 1422.

It was in the beginning of April 1424, that James I. returned to Scotland after his long captivity in England. In a Parliament which he held in the following March, it was resolved that each bishop should cause inquiry to be made by "the inquisicione of heresy" where any "heretikis and Lollardis" were found; that they should be punished "as lawe of Haly Kirk requiris"; and, if need be, that the secular power should be called on for help.[2] This law was not to be a dead letter. In 1433, Paul Craw, or Crawar, was seized, tried at St. Andrews, condemned, and burned to ashes. Bower states that he was said to have been sent by the heretics of Prague in Bohemia, recommended by them as eminent in the art of medicine, but with

[1] This manuscript belonged to David Laing, and was followed by him in his edition.

[2] *Acts of the Parliaments of Scotland*, ii. 7.

the purpose of infecting the realm of the Scots. Bower acknowledges that he was versed in sacred literature, and prompt in adducing proofs from the Bible. He seems to have behaved with great courage, for he pertinaciously maintained the doctrines of the Pragites and of the followers of Wiclif; but, in Bower's opinion, "he was confuted by the venerable man, Master Laurence of Lindores, inquisitor of heretical pravity, who gave heretics and Lollards no rest within the kingdom."[1] Knox, who was a student in St. Andrews a century after this martyrdom, relates that Crawar was apprehended in the university, and that a ball of brass was put into his mouth to prevent him from openly confessing and defending his faith before the people.[2] Bower's fierce declamation of the foreign "arch-heretic," as he calls him, and of the Lollards runs through three chapters. To him they were sects of vipers, disciples of the great dragon, sowing the devil's seed, and would descend into hell like lead into the stormy waters. As the Bohemians rather than the English were the heirs of Wiclif's teaching, the Scots have to recognise another obligation to him in the person of Paul Crawar.

The great papal schism, which followed the death of Gregory XI. in 1378, and which shook

[1] Goodall's *Fordun*, ii. 495.

[2] Laing's *Knox*, i. 6.—To silence a French Protestant at the stake his tongue was bored through and then fastened to his cheek by an iron pin. The same purpose was effected by other barbarous modes, not infrequently the tongue of the victim was cut out (Stebbing's Translation of Henry's *Life of Calvin*, i. 52; Baird's *Rise of the Huguenots*, i. 257).

the power and prestige of the papacy as they had never been shaken before, was felt much less keenly in Scotland than on the Continent. The Scots, like their allies the French, supported the claims of Clement VII. against Urban VI. and Boniface IX.; and the claims of Clement's successor, Benedict XIII., against his rivals. Though Benedict was deposed by the Council of Pisa in 1409, the Scots did not then withdraw their allegiance from him; and four years later their steadfast loyalty was rewarded by the bull he issued confirming the foundation of St. Andrews University. Four years later still he was deposed by the Council of Constance, and cut off as a dead branch from the Church. The sentence described him as "perjured, and the cause of scandal to the universal Church, a favourer of inveterate schism, a hinderer of the union of the Church, a heretic who had wandered from the faith."[1] Other nations might forsake him, but the Scots still clung to him. They had preferred him to Boniface IX., to Innocent VII., to Gregory XII., to Alexander V., and to John XXIII. And now the Council of Constance sent the Lord Abbot of Pontignac to Scotland, to press

[1] Creighton's *History of the Papacy*, 1892, i. 388.—Despite this language, and the deference which a Roman Catholic may be supposed to owe to those who framed and approved the sentence, the late Lord Bute spoke of Benedict as "a man whose straightforwardness no one has ever challenged, a man whose private life no one has ever dared to assail, but who said that he could not desert the post of duty except at the command of him who had called him to it" (*University of St. Andrews, Rectorial Address*, 1893, p. 41). Benedict was certainly endowed with courage and tenacity of purpose.

the claims of Martin v. At a Council General, or Parliament, this abbot made an eloquent oration before the regent and the three estates of the realm. The regent (the Duke of Albany), however, favoured Benedict, and appointed Robert Harding, an English friar, to plead his cause. He also appeared before the Council General. Some Scots were now in favour of yielding obedience to Martin v.; and these were denounced by Harding as sons of the devil, and like unto vipers; while those who had received favours from Benedict, and now adhered to Martin, were like scorpions. This last comparison was probably aimed at the University of St. Andrews. Harding tried to strengthen his argument by a parable. An elephant which had leant against a half-cut tree fell, and could not rise again because it lacked joints. It bellowed for help, and another huge elephant came, which, however, could give no effective aid. Twelve elephants assembled, but were unable to help up the fallen one; nor would they ever be able unless a little elephant should arrive, which might put itself under the big one, and so raise it up.[1] And this was the interpretation—the fallen elephant was the Church, the tree on which it had leant was the papal jurisdiction, the great elephant

[1] The parable is based on the mediæval notion that an elephant had no power to raise itself if it fell, and that, therefore, when it wished to rest, it leant against a strong tree; that the hunter, noting its haunt, sawed the tree, so that when the elephant again leant upon it they both fell; that when the prostrate victim cried for help, many an one of the herd tried, but tried in vain, to help him out of his plight; that then they all set up

which first came to its help was Sigismund, King of the Romans; the other twelve elephants were Christian kings and princes; but, although these might make a great noise, they were unable to remedy the ruin of the Church until the little elephant should come, and the little elephant was the Scots Church. Harding advised the little elephant to wait in patience, and neither haste nor hurry. In spite of his arguments and his parable, the University of St. Andrews (the only one then in the kingdom) and the Parliament withdrew their allegiance from Benedict, and transferred it to Martin v. This was in 1418—forty years after the beginning of the schism.[1]

For centuries the popes had fostered the notion that ordinations and sacraments administered outside the papal communion were invalid. This view, it seems, was accepted by many, especially in Italy. But as there could not possibly be three genuine popes at the same time, nor even two, it followed that some of them, if not all, were spurious; and if a pope, from whom all ecclesiastical jurisdiction was derived, was not validly elected, he could not give what he did not himself possess; and so the validity of the sacraments,

a loud cry like the blast of a horn; and that a "youngling" then came and by putting its "snout" under the old one raised it up, and so delivered it from the snare of the hunter (*An Old English Miscellany*, Early English Text Society, pp. 20, 21).

[1] Goodall's *Fordun*, ii. 449–451; *Proceedings of the Society of Antiquaries of Scotland*, iii. 473–477; Robertson's *Statuta*, i. pp. lxxviii., lxxix.

dispensed by bishops or priests ordained after 1378, was involved in doubt. It was even held that "any one who adored the eucharist consecrated by a priest ordained in schism worshipped an idol."[1] Although these views did not prevail in Scotland, yet even in it the schism must have caused great searchings of heart, for as a modern Roman Catholic has mildly put it: "The rival pontiffs mutually anathematised each other, and thus became a cause of sorrow, perplexity, and scandal to all Christendom."[2]

The scandalous life of John XXIII.,[3] one of Benedict's rivals, may have made it easier for Wyntoun, the Prior of Lochleven, to believe the story about Pope Joan. Whether that story be true or false, the mere fact that it was so long accepted as true by devout Romanists shows that they had at least a lurking suspicion that the popes were not altogether what they professed to be. Wyntoun devotes a chapter of his *Cronykil* to Joan, of whose exaltation to the papal chair and death in child-birth he does not appear to have entertained the slightest doubt.[4] In the *Scoti-chronicon*, the story also finds a place, but the narrator introduces an *ut asseritur*.[5]

[1] Döllinger's *Pope and the Council*, 1869, p. 295.

[2] J. C. Earle's *Manual of the Lives of the Popes*, 1866, p. 170.

[3] "The greatest monster that had ever, or at least that had since the abominations in the tenth and eleventh centuries, polluted the papal chair" (Neander's *General History of the Christian Religion and Church*, ix. 121).

[4] Laing's *Wyntoun*, ii. 80, 81.

[5] Goodall's *Fordun*, i. 190.

The Council of Basle having, in 1439, deposed Eugenius IV. (the successor of Martin V.), elected the Duke of Savoy in his place; and he, as Felix V., did not resign the office of pope until 1449.[1] Some of the Scots clergy at Basle opposed Eugenius and favoured Felix, but, in 1443, Parliament enacted that firm obedience should be kept to Eugenius, according to the acts of general and provincial councils previously published by royal authority; and that favourers of schism, and withstanders of the said obedience, should be proceeded against rigorously; and that no person, spiritual or temporal, should change the obedience until the king and the realm decided thereupon.[2] The latter part of this Act almost implies that the king and estates of Parliament were contemplating a formal change of obedience as a step that might be taken in the near future by the nation, although individuals were not to be allowed to act on their own initiative.

The burning of Resby and Crawar did not extirpate heresy or Lollardism in Scotland; but, on the other hand, the testimony and constancy of these two martyrs do not seem to have had much practical effect in opening the eyes of Scottish churchmen. If the great papal schism affected any of the Scottish clergy as it affected Wiclif,[3]

[1] Bower's *History of the Popes*, vii. 260–278; Creighton's *History of the Papacy*, ii. 208, 212, 286.

[2] *Acts of the Parliaments of Scotland*, ii. 33; *Statuta*, i. pp. xcvii.–xcix.

[3] Wiclif at first regarded Urban VI. as a truly upright man and his election as regular; but as events developed his views changed, and he

they were either tame enough to keep silent, or spoke too low to rouse opposition. Though Bishop Kennedy of St. Andrews strove to reform the churchmen of his diocese, he did not attempt to reform the doctrine of his Church.[1] His successor, Patrick Graham, the first Archbishop of St. Andrews, was, by papal authority, deprived, deposed, and imprisoned, as one guilty of heresy and schism, who had spoken blasphemous and injurious words against the most holy Roman see and the pope's apostolic authority, had revoked papal indulgences, and had alleged that he himself was a pope, elected by God and crowned by an angel to reform the Church. Perjury and simony were included among the crimes of which Graham was declared guilty. As the points of his heresy are not given, it cannot be affirmed that he favoured the doctrine of Wiclif.[2]

looked upon Urban and Clement alike as false popes and antichrists; and was gradually led to the conviction that the Church would be much better without a pope, and that the papacy was Antichrist and the institution of the devil (Lorimer's translation of Lechler's *Wiclif*, 1881, pp. 402–404).

[1] Kennedy died in 1465.

[2] George Buchanan (Ruddiman's ed., 1715, i. 229–231) and Spottiswoode (*History*, Spot. Soc. ed., i. 115–118) speak highly of Graham as a virtuous man who was unjustly treated. His condemnation is more briefly referred to by Bishop Lesley (*De Origine Moribus et Rebus Gestis Scotorum*, 1675, p. 306; *History of Scotland*, Bannatyne Club, pp. 42, 43). The papal letter of 9th January 1477–78, setting forth his delinquencies and sentence, is printed by Theiner (*Vetera Monumenta Hibernorum et Scotorum Historiam Illustrantia*, Rome, 1864, pp. 479–481). The results of the latest research concerning him are given in the first volume of *The Archbishops of St. Andrews*, by Professor Herkless and Mr. R. K. Hannay.

That Lollardism, however, was by no means extinct in Scotland was manifested in 1494, when Archbishop Blackader, of Glasgow, brought thirty persons from Ayrshire before the king and council. They were charged with thirty-four heresies. The record of the process is not known to exist, but Knox had access to it, and has preserved a translation of the "articles." He suspected that in several of them the principles of the accused had been misrepresented. Nevertheless, they as a whole proved to him that God had looked mercifully upon the kingdom "reteanyng within it some sponk of His light evin in the tyme of grettast darkness."[1]

According to the articles, the accused held that images should neither be possessed nor worshipped; that relics of saints should not be adored; that Christ ordained no priests to consecrate; that in the mass after consecration bread remains, and that the natural body of Christ is not there; that every faithful man or woman is a priest; that the pope is not the successor of Peter, except where Christ said, "Get behind Me, Satan"; that the pope deceives the people by his bulls and indulgences; that the mass profits not the souls in purgatory; that the pope exalts himself against God and above God; that the pope cannot remit the pains of purgatory; that the blessings of the bishops are of no value; that priests might marry; that true Christians receive Christ's body every

[1] Laing's *Knox*, i. 10.

day; that sins can be forgiven by God alone; that we should pray to God only, not to the Virgin Mary; that we are no more bound to pray in the kirk than elsewhere; that we are not obliged to believe all that the doctors of the Kirk have written; that those who worship the sacrament commit idolatry; that the pope is the head of the Kirk of Antichrist; that the pope and his ministers are murderers; that those who are called principals in the Church are thieves and robbers.

The men who held these views had travelled a long way on the road which led to Protestantism. They were also charged with holding that Christ had taken the power of judgment from kings. On this point Knox had no doubt that they had been venomously misrepresented. He thought, too, that their meaning had been perverted in the articles which charged them with holding that it is unlawful in any case to swear; that after marriage the Church could make no divorce; and that excommunication binds not.

These confessors, known as the Lollards of Kyle,[1] would in all likelihood have been sent to the stake, had it not been for the clemency of the king, James IV., several of them being "his great familiaris."[2]

[1] Kyle was the central district of Ayrshire, and is described by Knox as "a receptakle of Goddis servandis of old" (Laing's *Knox*, i. 105).

[2] Laing's *Knox*, i. 7–12, where the date of the trial is given as "in the tyme of King James the Fourt, in the saxt yeare of his reigne, and in the twenty-twa year of his age, which was in the year of God 1494." The sixth year of that king's reign ended on the 10th of June 1494, and he

It has been said that although grace does not run in blood, it sometimes runs in families. Of the Lollards of 1494, Knox names six, one of them being "George Campbell of Sesnock." There is record evidence to show that George Campbell was laird of Cesnock in February 1490–91; that fourteen years later he was Sheriff-depute of Ayr; that he was dead before the 30th of October 1509; and that John Campbell was his son and heir.[1] Of John Campbell of Cesnock, Alesius thus wrote to King James the Fifth—

"I remember that the illustrious king and gallant prince, your father, approved this home study [of the Scriptures] with a memorable testimony. There was in your kingdom a gentleman, notable not only for his descent, but also for his uncommon piety, John Campbell, laird of Cesnock. His house might furnish a model of Christian instruction. For he had at his home a priest, who used to read and expound the New Testament in the vernacular to him and his family; and his own character, as well as that of his family, was consistent with the Gospel. Accordingly, he helped the poor with every kindness, and, though he had learned from the gospel that superstition and hypocrisy are displeasing to God, yet, not to

completed the twenty-second year of his age on the 16th of March 1494–95. If, therefore, Knox is as accurate as he is precise, this trial must have taken place between the 17th of March 1493–94, and the 10th of June 1494. Knox says that they were brought before "the king and his great counsell."

[1] *Register of the Great Seal*, 1424–1513, Nos. 2315, 2836; 1513–1546, No. 218.

appear unfair to any class, he was wont to entertain even the monks at his table. When, on several occasions, he there engaged in friendly conversation with his guests about Christian doctrine, certain hypocrites chanced to notice that he found fault with some of their superstitions. At last, after frequently testing his views, the monks, violating the laws of hospitality, and 'sinning against the table and the salt,' as the saying is, delated his name to the bishop, and accused him of heresy. At the trial, when after long contention, he saw that he and his wife were in peril of their lives, he appealed to the king. While the monks were annoyed that the king called the case before himself, his majesty deemed that it concerned his honour and his courtesy not to fail good and loyal gentlemen. He therefore readily heard both sides, and as the husband, who was of a retiring disposition generally, and was not a little disconcerted by the threats of the monks, gave his answers somewhat bashfully, the king asked the lady to state the case. So clearly and convincingly, by quotations from Scripture, did she disprove the charges made, that the king not only acquitted Campbell, his wife, and his priest, who were all accused, but even rose and embraced the lady, greatly praised her study of Christian doctrine, and sharply chid the monks, threatening to take severe measures against them if they ever afterwards caused trouble of that sort to honest and innocent people. He also presented Campbell himself with certain villages, in order that there might be a clear manifestation of his decision and goodwill, and that his majesty might not be supposed to harbour any suspicion about

Campbell's views on account of the accusations of the monks."[1]

In his metrical "Memorial of the Life of two worthye Christians, Robert Campbel of the Kinyeancleugh and his wife Elizabeth Campbel," John Davidson has preserved an ancient tradition to the effect that the laird of Cesnock mentioned by Alesius was being led to the scaffold in Edinburgh when the king set him free, and further—

> "Some sayes death was alswel prepard
> For priest and lady as the lard."

Davidson says that this happened more than eighty years before.[2] Unless he altered this when he printed the poem in 1595, it must mean eighty years before he wrote it in 1574, and so the date would correspond with, or rather precede, the prosecution of the thirty Lollards in 1494. With that prosecution Calderwood connected the incidents recited by Alesius and Davidson, and apparently thought that Knox was in error in giving *George* as Campbell's Christian name.[3] In this, however, Knox is supported by the record evidence; and, unless Alesius erred in saying *John*, the occasions

[1] *Alexandri Alesii Scotti Responsio ad Cochlei Calumnias.*—The press mark of the Edinburgh University Library copy of this rare Latin tract is Dd. 10.74.

[2] Rogers' *Three Scottish Reformers*, pp. 100–106.

[3] Calderwood's *History*, i. 54.—Calderwood apparently only knew the statement of Alesius concerning Campbell of Cesnock as cited by Cochlæus. In his metrical *Memorial*, Davidson does not give the Christian name of the laird of Cesnock.

must have been different. The opinion that they were different is favoured by Knox's emphasising the part played by Adam Reid of Barskymming, and ignoring Campbell's wife, who, according to the narrative of Alesius, did so nobly. In either case, the Campbell of Cesnock who was brought into trouble through a vernacular copy of the New Testament was accused and acquitted in the reign of James IV.—that is, between 1488 and 1513.

It may be noted that Robert Campbell of Kinyeancleugh was the devoted and trusted friend of Knox; that his wife, Elizabeth Campbell, also distinguished for piety, was one of the Cesnock family; and that, in the following century, Sir Hugh Campbell of Cesnock and his son, Sir George, were, on account of their covenanting principles, imprisoned in the Bass in the reigns of Charles II. and James VII.[1] The Campbells of Cesnock were not the only Scotch family descended from the Lollards who suffered in the long persecution under these two kings. Nor were they the only family which had a written copy of the New Testament in the vernacular in the early days of the Scottish Reformation.

Concerning the Gordons of Earlston, Wodrow says: "I am informed that the predecessors of this ancient family entertained the disciples of Wickliff, and had a New Testament in the vulgar

[1] Wodrow's *History of the Sufferings*, i. 425; ii. 98, 409, 411; iv. 71–94, 224, 277, 278.

tongue, which they used to read in meetings in the woods about Earlston House."[1] It does not appear that Earlston, which is in Kirkcudbrightshire, belonged to the Gordons at the early period to which Wodrow refers;[2] but there is no reason to doubt the reliability of his story otherwise. Local historians speak of Alexander Gordon of Airds, the ancestor of the covenanting Gordons of Earlston, as the pioneer of the Reformation in the south-west of Scotland.[3]

In the "True Relation of the Life and Sufferings of John Nisbet in Hardhill," who was hanged for the Covenant, in the Grassmarket of Edinburgh, in 1685, it is mentioned that his ancestor, Murdoch Nisbet in Hardhill, joined the Lollards before the year 1500, that he fled from the country to escape impending persecution, that he "took a copy of the New Testament in writ," that he afterwards returned to his native land, and that he constructed a secret vault under his house, into which he retired to worship God and to read his Testament.[4] The phrase, he "took a copy of the New Testament in writ," is understood to mean that, while abroad, he saw the Testament, and made a copy of it. The actual copy which he then made

[1] Wodrow's *History of the Sufferings*, iii. 108.

[2] Anderson's *Scottish Nation*, ii. 325.

[3] Sir Herbert Maxwell's *History of Dumfries and Galloway*, 1896, pp. 190, 191.—In 1542, Alexander Gordon in Airds, and Margaret Sinclair, his wife, acquired lands in Balmaghie, one of the witnesses being John Sinclair in Earlston (*Register of Great Seal*), 1513–1546, No. 2729). Part of the lands of Airds had been feued to Gordon in 1527 (*ibid.* No. 529).

[4] *Select Biographies*, Wodrow Society, ii. 377, 378.

still exists, and has recently been printed for the Scottish Text Society. Nisbet followed Purvey's revised version of Wiclif's translation; but as many of the words had become barely intelligible when this copy was made, in or about 1520, Nisbet substituted Scotch words for them.

This Nisbet MS. was carefully treasured by the transcriber's descendants, and was handed down in the family from father to son until the third decade of the eighteenth century.[1] No other copy of it is known to exist, and probably none was made, for the simple reason that by 1526 William Tyndale's printed translation of the New Testament was in circulation,[2] and not only would it be more easily understood, but no one would care to make a MS. copy of a book which he could procure in type. Many of Tyndale's Testaments were ruthlessly consigned to the flames, but not a few were carried home by Scottish merchants, and

[1] Wodrow's *Analecta*, iii. 518.

[2] A 4to edition was being printed for Tyndale at Cologne, but the work was stopped in the autumn of 1525, when, it appears, the Gospel of Matthew was barely finished. He removed to Worms, and there an edition in very small 8vo was printed for him, and is supposed to have been finished early in 1526. In that year two editions were in circulation, but it is uncertain whether one of them was more than the uncompleted one begun at Cologne (Demaus' *William Tyndale*, 1886, pp. 111–119; Dore's *Old Bibles*, 1888, pp. 21–27). Christopher Anderson, who gives an account of the discovery in 1834 of a fragment of the Cologne edition (*Annals of the English Bible*, 1845, i. 62, 63), expresses the conviction that the Worms edition at least was being read in England as early as January and February 1525–26 (*ibid.* i. 65); his reasons are critically examined by Demaus (*William Tyndale*, pp. 448–457), who does not believe that the New Testaments were in England before April or May 1526.

dispersed both in Edinburgh and St. Andrews.[1] It may be safely assumed that the cause of the Reformation in Scotland was greatly, if quietly, strengthened, and its supporters increased by the earnest study of the Word of Life and of Protestant tracts and books which were then smuggled into the realm.

By the summer of 1525 Parliament had become alarmed by what it regarded as the damnable opinions of heresy, which were being manifestly spread in other countries; and in order to keep Scotland clean of what it described as "all sic filthe and vice," an Act was passed ordaining that no strangers should bring any books or works by Luther, his disciples, or servants, or dare to dispute upon or rehearse his heresies or opinions, except to the confusion thereof, under pain of imprisonment and the forfeiture of their ships and goods. From a marginal clause, it appears that even this restricted liberty of disputing or rehearsing Luther's opinions was permitted only to clerks in schools; and in the autumn of 1527 the chancellor and lords of council added a clause to the effect that any of the king's lieges who assisted in spreading such opinions should be similarly punished.[2] This implies that, in its original form, the Act had not had the desired effect; and the addition was not destined to make it successful. Parliament did not realise that the forbidding

[1] Christopher Anderson's *Annals of the English Bible*, 1845, ii. 409.
[2] *Acts of Parliament*, ii. 295.

of books was a likely way of increasing their circulation.

Neither by such prohibitions nor by any other means was the Reformation to be prevented in Scotland. The work was now fairly begun. Its opponents might, and did, strive hard to suppress it, but in vain. They could only retard it for a time, for even the merciless fires of persecution were to help and not to hinder it. Five months after the chancellor and lords of council made their addition to the Act of Parliament, Patrick Hamilton was sent to the stake at St. Andrews (29th February 1527–28), but his reik infected all on whom it blew.

At the time of Patrick Hamilton's martyrdom, and even a couple of years after it, Henry VIII. had apparently no intention of breaking with Rome;[1] nor was it until the close of 1534 that the papal power in England was "legally repudiated by the constitutional acts of both clergy and laity."[2] And when Sir John Borthwick knew that, in 1540, he had been charged before Cardinal Betoun with approving and propagating most of the heresies of England, as true and conformable unto the

[1] "Henry had as yet [1530] no thought of breaking with the pope. He wanted to put pressure on him to make him do what he had come to regard as right" (S. R. Gardiner's *Student's History of England*, ii. 385). "To this decisive breach with Rome, Henry himself was driven with some reluctance; . . . he had so frequently threatened the pope with the withdrawal of his allegiance in case he would not grant him his divorce, that at last he felt bound to make good what he had threatened" (*The Cambridge Modern History*, ii. 463).

[2] G. G. Perry's *History of the English Church*, second period, p. 86.

law of God, he indignantly protested that, "in this point only the Englishmen [then] differed from the Scots, that they had cast off the yoke of Antichrist; the others not. Idols were worshipped by both nations; the profaning of the Supper and Baptism was alike unto them both; wicked superstition reigned on both parts, and true worship was deformed and defaced with detestable hypocrisy."[1]

There is abundance of evidence to show that Borthwick's picture of religion in England was not overdrawn. Here, for example, is an extract from a letter written by Hooper (afterwards Bishop of Gloucester) to Bullinger on the 27th of January 1545–46, that is, exactly a year and a day before Henry VIII. died—

"Accept, my very dear master, in few words, the news from England. As far as true religion is concerned, idolatry is nowhere in greater vigour. Our king has destroyed the pope, but not popery; he has expelled all the monks and nuns, and pulled down their monasteries; he has caused all their possessions to be transferred into his exchequer, and yet they are bound, even the frail female sex, by the king's command, to perpetual chastity. England has at this time at least ten thousand nuns, not one of whom is allowed to marry. The impious mass, the most shameless celibacy of the clergy, the invocation of saints, auricular confession, superstitious abstinence from meats, and purgatory, were never before held by the

[1] Cattley's *Foxe*, v. 613.

people in greater esteem than at the present moment."[1]

It is true that in Patrick Hamilton's time and before it, there were genuine and enlightened Reformers in England;[2] but there was then no Reformed Church there, and no reforming king. And it is also clear that, so late as 1540, Sir John Borthwick regarded the so-called Reformed Church of England as no better than the unreformed Church of Scotland, save in its freedom from papal

[1] *Original Letters relative to the English Reformation*, Parker Society, i. 36.—The letter is dated from Strasburg, Jan. 27. The year-date is determined by internal references to several events.

[2] "Of the prevalence of heretical opinions in England before Luther's revolt against indulgences there is ample evidence. Foxe recounts the martyrdom of ten men and women between 1509 and 1518; many suffered a less extreme form of persecution, and in the year 1517 alone thirty-five persons in the diocese of London were forced to abjure their opinions. Nor does Foxe's witness stand alone; occasionally instances of heresy are mentioned in the State Papers, and on 8th November 1511, Ammonius, Henry VIII.'s Latin secretary, writing to his friend, Erasmus, attributes the scarcity and dearness of wood to the holocaust caused by the heretics. It was a grim and heartless joke, no doubt; but there would have been no point in it unless there had been a notable number of heretics burnt" (A. F. Pollard's *Thomas Cranmer*, p. 92). "It may be broadly asserted that Lollardy never quite died out in England till it merged in the new Lutheran heresies of the sixteenth century. . . . It is certain that the Reformation had virtually broken out in the secret Bible readings of the Cambridge reformers before either the trumpet-call of Luther or the exigencies of Henry VIII.'s personal and political position set men free once more to talk openly against the monks, and to teach a simpler and more spiritual gospel than the system against which Wycliffe had striven" (Dr. Hastings Rashdall in *Dictionary of National Biography*, lxiii. 218). "The divorce was the spark which ignited the flame, but the combustible materials had been long existent. If the divorce had been all, there would have been no Reformation in England. . . . The divorce, in fact, was the occasion, and not the cause, of the Reformation" (Pollard's *Henry VIII.*, pp. 232, 233).

domination. The Reformers of Scotland did not learn their doctrines from Henry VIII. or his Church. To the English, however, they were indebted, inexpressibly indebted, for the translation of the Scriptures.

In *The Complaynt of Scotlande*, the unknown author, a churchman still attached to the old faith, earnestly exhorts the clergy, in 1549, to correct their long-standing abuses, and assures them that until they do so, the punishment they inflict on schismatics is as the pouring of oil upon fire. Experience, he says, had shown that when one person was slain, burned, or banished, for his opinions, three immediately arose in his place. The prevailing schism could, he alleges, only be cured in one of two ways—either by beheading "the universal Christianite," or by the ministers reforming and correcting their own abuses. The clergy ought, he reminds them, to give a good example, conformable to their profession and doctrine, so that the poor and the ignorant might follow in their footsteps. To show that the disciple is more inclined to follow the example than the precept of his teacher, he thus repeats the apologue of the partan—

"The philosophour Plutarque rehersis ane exempil of the partan, quhilk reprevit ane of hyr yong partans, because the yong partan wald nocht gang evyn furtht, bot rather sche geid crukit, bakwart, and on syd. Than the yong partan ansuert, quod sche, Mother, I can nocht

gang of my auen natur as thou biddis me, bot nochtheles, wald thou gang furtht rycht befor me, than I sal leyrn to follou thy futsteppis."[1]

In the next lecture, I will show how the old partan walked—not "evyn furtht," but "crukit, bakwart, and on syd."

[1] *The Complaynt of Scotlande*, Early English Text Society, 1872, pp. 158–161. *Partan*, it should perhaps be explained, is the proper name of the marine crustacean known as the *crab* in England. *Quhilk*=which, *reprevit*=reproved, *gang*=walk, *than*=then, *auen*=own.

II

SECONDARY CAUSES—CLERICAL DEPRAVITY

Not only had the authority of the Latin Church been rudely shaken by the great papal schism, but its reputation for sanctity, not to say for decency, was dimmed and blurred and blotted by the scandalous lives of the clergy; and its true usefulness was diminished, though its wealth was increased, by unworthy methods of raising money. The Mediæval Church had indeed become so corrupt in worship, in doctrine, and in morals, as well as in administration, that those who had any real desire to serve God felt instinctively that things were radically wrong, and that an effort should be made to put them right.

All through the fifteenth century there was a loud and widespread cry for reform. In most cases that cry may only have meant the curtailing of abuses or the removal of gross corruptions, for those who wished to see the Church thoroughly reformed in worship, doctrine, and organisation, were in a feeble minority. Those who would have been satisfied with a moderate reform must

have learned from the Councils of Pisa, Constance, and Basle, that there was little likelihood of a pope putting his hand in earnest to the plough of reform. And yet the bands of mediævalism were being broken by various agencies. The revival of learning, quickened in Western Europe by the fall of Constantinople, tended to the emancipation of the individual scholar; study received a great impulse through the invention of printing; and, to the enterprising, Columbus opened up a new world. The times were restless and full of possibilities. Of eager scholars there were many, and of anxious souls not a few. Heresy and reform are far from being synonymous terms, but those denounced as heretics were usually earnest men, searching for truth, and more or less keen for reform.

Had the doctrine alone been corrupted, or even the doctrine and worship, those who worked for reform would have had a much harder task, inasmuch as the body of the people would have seen no need for change. And thus the corrupt morality, deplorable ignorance, credulity and insatiable rapacity of the clergy, became powerful weapons in the hands of the Reformers, and secondary causes of the Reformation. In support of this statement, so far as Scotland is concerned, the most undeniable proof can be adduced.

David Betoun, who had been appointed Commendator of the Abbey of Arbroath in 1524, and Bishop of Mirepoix, in France, in 1537, was raised

to the cardinalate on 20th December 1538; and soon afterwards, on the death of his uncle, James Betoun, to whom he had been coadjutor, he became Archbishop of St. Andrews, and Primate of Scotland. Seizing the opportunity, his kinsman, Archibald Hay, addressed to him a congratulatory panegyric, in which the duties and responsibilities of his exalted position are set forth. In the personal references to the cardinal there may be a touch of sarcasm; but Hay's zeal for the purity and well-being of the Church was evidently intense. The *Panegyricus*, which was printed in Paris in 1540, is now excessively rare.[1] In the present day its chief interest lies in the picture it gives of the unreformed Church of Scotland—a picture dreadfully dark, but drawn to the life. After insisting that "Men live, not while they breathe, but while they live well," and that "Christ did not wish the labours of His followers to be recompensed with worldly honours, but with the glory of eternal life," and after referring to the ignorance, the corruption, and the rapacity of the

[1] The full title is—"*Ad Illustriss. Tit. S. Stephani in Monte Cœlio Cardinalem, D. Davidem Betoun, Primatem Scotiæ, Archiepiscopum S. Andreæ, Episco. Meripocensem, de fœlici accessione dignitatis Cardinalitiæ, gratulatorius panegyricus Archibaldi Hayi.*" The *epistola nuncupatoria* is thus concluded—"*Parisijs, ex Monte Acuto calendis Augusti.* 1539. *R.C.V. addictissimus consobrinus vester Archibaldus Hayus.*" The copy in the Advocates' Library seems to be the only one in Edinburgh. It is an exceedingly interesting one, having been presented by the author to his brother. In the elaborately tooled brown-leather binding this inscription has been impressed in gilt letters—ARCH ·˙· HAY ·˙· IO ·˙· HAY ·˙· FRI ·˙· SVO ·˙· MITTIT. A few misprints have been corrected, perhaps by the author. There is a facsimile copy of the work in St. Andrews University Library.

clergy, and to the urgent need for improvement, he declares that all men expect the cardinal, now dignified with the highest honours, to carry out in God's name so noble a work. He calls upon him to follow the example of Paul, whose place he now occupies, to despise the words of the wicked, in order to awaken the sluggish minds of the churchmen. Hardly ever, he exclaims, was Christendom more violently shaken, never did men's opinions differ so much, at no time were the lives of churchmen more depraved. In suppressing commotions, dignitaries, he holds, must first remove abounding ecclesiastical abuses; and he reminds him that it lies in his power to cause those in Scotland to do their duty, who hitherto have laboured insufficiently or otherwise had no regard for their office. He thus proceeds—

"I declare, as I desire God's love, that I am ashamed to review the lives of the common and even of certain other priests, obscured all round with the darkness of ignorance, so that I often wonder what the bishops were thinking about when they admitted such men to the handling of the Lord's holy body, when they hardly know the order of the alphabet. Priests come to that heavenly table who have not slept off yesterday's debauch; they address themselves to performing the sacrifice who have not tasted learning with even the tip of their lips. I am well aware that the morals of him who sacrifices do not harm the essence of the sacrifice, still it is right that these abuses, which have held sway for so many years to our

great disgrace, should be rectified; and perhaps no one ought to devote himself with greater zeal to the accomplishment of that end than you, who are bound to give account to God for so many thousands of souls committed to your trust."[1]

In Archibald Hay's opinion some of the clergy were no better than the beasts—

"If the very wise author of Ecclesiastes were living, I do not doubt that he would find a proof of the greatest vanity in the fact that cattle are admitted to church possessions, and are sometimes even invited. The lamentable inversion of this order no pious man sees without a groan, no one speaks of without fear, no one thinks of without sighs . . . Lest any room be given to calumny, I will not agree with the view of those who are of opinion that priests should again be called upon to do manual labour, as they burden the common people more than is just with their numerous exactions. I do not desire their incomes to be diminished, provided they show that they use these aright. But I judge it to be intolerable that an entrance to the Church lies open to all without selection, and that some of the entrants bring with them utter ignorance, others a false pretence of knowledge, some a mind corrupted by the greatest sins and trained to commit all the most scandalous excesses, certain of them a studied intention to do harm, so that there is no greater danger to be feared from the most noxious animals than from this offscouring of most abandoned men. Who will

[1] *Ad D. Davidem Betoun Card. Panegyricus*, fol. xxxiv.—The translation here given follows the Latin closely.

be found with the effrontery to deny these patent facts? What patriot would judge that they should be passed over in silence? What man conversant with liberal education would bear with equanimity the conferring of honour upon scoundrels? Virtue has now yielded—yielded to gold, piety has been overcome by impiety, purity of character has been banished, and impious superstition exercises tyrannical rule. The burden has been thrown on others after men have begun to pursue ambition, and the Lord's flock is starved with hunger."[1]

To be candid, some of the clergy were much worse than the beasts—

"If I proceeded to review the inordinate desire of glory, the incredible cruelty, passion, envy, hate, treachery, the insatiable longing for vengeance, the wicked words and disgraceful actions, all of which rage in the breasts of churchmen, no one would believe that monsters so savage lurked under a human countenance. I will not treat of the riotous living of those who, professing chastity, have invented new kinds of lusts, which I prefer to be left unknown rather than be told by me, who have undertaken the part not of an accuser, but of one that points out the disease. I pass over the temerity of many, I do not disclose the arts which they employ against the lives of others, I do not touch on the taunts with which they assail people that deserve no such thing. While these charges cannot be made against all, yet I wish it to be understood that

[1] *Ad D. Davidem Betoun Card. Panegyricus*, foll. xl., xlii.

they apply to very many; and would that Almighty God in His goodness would deign to call them to repentance, although their own prayers for those to whom they wish any ill are different."[1]

The testimony of such a man as Archibald Hay —one of the most scholarly and enlightened Scottish priests of his period—is unimpeachable.[2] It does not appear that the cardinal acted on the advice to improve the morals of his clergy, nor that he tried to improve his own, which were notoriously bad. Desperate attempts have been made to whitewash this Ethiopian, to cover up the spots of this leopard; but all such attempts have proved, and must prove, futile. On the 5th of March 1530–31, his son George and two daughters were legitimated. The name of one of these daughters was Elizabeth. The name of the other is contracted in the *Register*, and may be read either as Margaret or Mariot. It is known otherwise that he had a daughter Margaret. On the 4th of November 1539, only three months after the date of the epistle dedicatory of the *Panegyricus*, letters of legitimation were granted by James v. to other three of the cardinal's brats—James Betoun,

[1] *Ad D. Davidem Betoun Card. Panegyricus*, fol. xliii.

[2] On the 29th of June 1546—that is one month after the cardinal's tragic death—Archibald Hay was presented to the Principalship of St. Mary's College, St. Andrews (*Appendix A*). He was collated on 12th July; but his opportunity for doing good work in such a position was very brief, for he died before the 1st of October 1547 (M'Crie's *Melville*, 1824, ii. 472).

Alexander Betoun, and John Betoun. In the letters they are described as bastards, natural sons of David, Archbishop of St. Andrews. On the 2nd of August 1545, barely ten months before his assassination, four of his sons were legitimated, viz. David, James, Alexander, and John.[1] In a charter confirmed by James v. in 1541, Elizabeth is described as natural daughter of David, Cardinal Priest of the Roman Church, Archbishop of St. Andrews, Primate of Scotland, and *Legatus Natus*, Administrator-General of the Cathedral Church of Mirepoix, and Perpetual Commendator of St. Thomas, the Martyr of Arbroath.[2] Margaret was married to David Lyndsay, Master and afterwards tenth Earl of Crawfurd,[3] and her sister Agnes was married to George Gordon of Scheves.[4] In March 1546–47, Margaret and her sister Agnes claimed £1000 Scots, which Graham of Fintry and his eldest son owed to their father the cardinal.[5]

Several of these children were certainly borne by Marion Ogilvy.[6] Unless it is assumed that

[1] *Infra*, pp. 547, 550, 554.

[2] *Register of the Great Seal*, 1513–1546, No. 2330.

[3] *Ibid.* 1546–1580, No. 1353.

[4] *Register of Great Seal*, 1546–1580, No. 2740.—This charter also proves that this Agnes Betoun was a daughter of Mariot Ogilvy.

[5] *Liber Officialis Sancti Andree*, Abbotsford Club, p. 158.

[6] On the 8th of March 1538–39 David is described as David Betoun, natural son of David, Archbishop of St. Andrews. The Mains of Baky and other lands in Forfarshire were to be held by him and his lawful issue; whom failing, by James Betoun, his brother-german, and his lawful issue; whom failing, by the nearest lawful heirs of the said David (*Register of the Great Seal*, 1513–1546, No. 1931). That Marion, or Mariot, Ogilvy had a son David Betoun is quite certain (*ibid.* Nos. 3108, 3150); and it is also certain that this David had two brothers,

her son David, who had two brothers Alexander and John, is the David who had three brothers—James, Alexander, and John—legitimated on 2nd August 1545; and unless it is further assumed that the James, Alexander, and John were the same James, Alexander, and John, who had been previously legitimated on the 4th of November 1539, there must have been eleven sons. There might be a special reason for having several of his sons legitimated a second time, and if this were so, and if no two of them had the same Christian name, there would still be five. If the second daughter legitimated on 5th March 1530–31 was named Mariot, not Margaret, then there were four daughters; and if not there were three.

There is no wonder that Knox referred to David Betoun as "the Cardinallis graceless grace," and as "the carnall Cardinall."[1] It has been confidently alleged that the cardinal was married to Marion Ogilvy, by whom he had several children, and that he was a widower before entering into holy orders. Alas for the plausibility of this charitable fib, Marion Ogilvy survived the cardinal for nearly thirty years; and, although he had been a widower when he took holy orders,

respectively named Alexander and John (*ibid.* Nos. 3137, 3150). One of the cardinal's sons was known in 1562 as "Monsieur Mildrome" (Bain's *Calendar of Scottish Papers*, i. 635).

[1] Laing's *Knox*, i. 116, 173.—Knox records that Marion Ogilvy was observed leaving the castle of St. Andrews that morning the cardinal was slain (*ibid.* i. 174, 175).

that would not get rid of the fact that in the public records of the kingdom his children are described as bastards.[1]

On the 27th of November 1549 a provincial council of the prelates and clergy of Scotland met in the church of the Black Friars at Edinburgh. According to its own records, this convention of the unreformed Church was summoned and presided over by "the venerable and most reverend father in Christ and lord, John, Archbishop of St. Andrews, Primate of the whole realm of Scotland, *Legatus Natus*, and Abbot of the Monastery of Paisley." In the preamble to the statutes of this provincial council, it is said—

"The present convention of the ordinaries, prelates, and other ecclesiastics and clergy of this realm has been assembled in the Holy Ghost . . . for the glory of God, to restore tranquillity, and preserve complete unity in the ecclesiastical estate: intently observing how many heresies cruelly assail the Lord's flocks committed to their pastoral care; and wishing utterly to extirpate these same, as it were, from the very roots, it has resolved that it should follow the example of the

[1] In his *History of St. Andrews* (1843, i. 304–306) Lyon not only repeated the widower allegation, but argued that as the cardinal's admirers had strenuously denied the charges laid against him, these denials might be regarded as neutralising them and rendering a formal investigation of the facts unnecessary. Lyon could not be expected to know the damning record evidence; but not so Bellesheim (*Geschichte der Katholischen Kirche in Schottland*, 1873, i. 352), and his translator, Father Hunter Blair (*History of the Catholic Church of Scotland*, 1887, ii. 177, 178), who approvingly quote Lyon, without venturing, however, to allude to the widower argument, or even to name Marion Ogilvy.

prudent physician, and first of all seek by careful study to discover the causes and occasions of the sore maladies, wherewith the morals of churchmen have now for a long time been corrupted, and thereafter take thought for and provide suitable remedies. And whereas there appear to have been mainly two causes and roots of evils which have stirred up among us so great dissensions and occasions of heresies, to wit, the corruption of morals, and profane lewdness of life in churchmen of almost all ranks, together with crass ignorance of literature and of all the liberal arts—and from these two sources principally spring many abuses : this holy synod and provincial council has determined to apply remedies and put a check on these mischiefs, so far as it can adequately to the exigency of the times." [1]

And so the humbling confession is made that the "great dissensions and occasions of heresies" were, in the opinion of the Church itself, mainly due to "the corruption of morals and profane lewdness of life in churchmen of almost all ranks, together with crass ignorance of literature and of all the liberal arts"! From several of the statutes of this council, and from others which it adopted and ordered to be rigidly observed, an idea may be formed of the corruption of morals which then prevailed among almost all ranks of the Scottish clergy. One of these statutes provides for the punishment of any cleric, even

[1] *Statutes of the Scottish Church*, 1225-1559, translated by Dr. Patrick Scottish History Society, 1907, p. 84.

though he should be of episcopal rank, who—two months after the publication of this constitution in cathedral churches — was "notoriously the keeper of a concubine."[1] According to another, "neither prelates nor their subordinate clergy" were to "keep their offspring, born of concubinage, in their company, nor suffer them directly or indirectly to be promoted in their churches, nor under colour of any pretext to marry their daughters to barons, or make their sons barons out of the patrimony of Christ."[2] Deans were to be sworn before holding office, that they would discharge the duties faithfully in every respect, it being alleged that they sometimes overlooked and concealed gross scandals, on receiving "bribes from concubine keeping and adulterous persons."[3] In another, "the ordinaries [*i.e.* the diocesan bishops], all of them and each of them, as well as the rest of the prelates and the incumbents of benefices," were exhorted "to reform their life and morals to better purpose," so that "all occasions of heresy in this realm may be more easily obviated, and the said ordinaries be able with greater freedom and expedition to take measures for their repression; lest the very persons rashly proceed to the rigorous correction of the morals of others, who are themselves implicated in notorious offences,

[1] Patrick's *Statutes of the Scottish Church*, p. 89. [2] *Ibid.* p. 92.

[3] *Ibid.* p. 96.—The 'concubine keeping and adulterous persons" here referred to were apparently not in orders; but the deans and other visitors, by accepting their bribes, "defiled themselves," as the statute says, "with such filthiness."

since from this cause arises the greatest scandal to the laity, and the largest proportion of the heresy."[1]

That the morals of many of the dignitaries of the Church were not exemplary is only too certain. Archbishop Hamilton, the so-called "venerable and most reverend father in Christ," who, as head of the Scottish hierarchy, presided over this provincial council in 1549, was a dissolute scoundrel. He had a number of bastards by Grissel Sempill, the dishonoured wife of his kinsman, James Hamilton of Stanehouse; and she was not the only victim of his foul lust.[2]

[1] Patrick's *Statutes of the Scottish Church*, p. 124.

[2] John Hamilton, the archbishop, was himself a bastard. When in 1525, being then in the fifteenth year of his age, he became Commendator of Paisley Abbey, he was known as John Burnet (Maziere Brady's *Episcopal Succession*, Rome, 1876, i. 206, 207). In the letters of legitimation granted to him on 20th June 1546, he is described as a bastard, natural son of the late James, Earl of Arran, Lord Hamilton (*Register of the Great Seal of Scotland*, 1513–1546, No. 3265). Buchanan says that he was "first callid Cuningham, estemit Cowane, and at last Abbot Hamiltoun" (*Admonition to the trew Lordis*). In a sixteenth-century ballad, he is said to have been sometimes called Cuninghame, and that good John Cowane gave him meat and clothes until he was more than seven years old (*The Sempill Ballates*, 1872, p. 134). Many deemed him to be a son of "the old Bischope of Dunkelden, called Crychtoun" (Laing's *Knox*, i. 105). He succeeded Crichton in Dunkeld, from which he was promoted to the archbishopric of St. Andrews, having been admitted to the temporality two days after the cardinal's death (*Appendix C*). For the defect in his own birth he is not to be blamed, but it does not palliate the grossness of his life. George Martine says: "I have seen copies of charters granted by this archbishop to William, John, and James Hamiltons, his three naturall sones, born of this Grizzel Sempill; and they are designed her naturall sones" (*Reliquiæ Divi Andreæ*, p. 244). In the royal letters of 9th Oct. 1551, legitimating two of her sons, John and William Hamilton, she is described as Grissill Sympill, daughter of Robert, Master of Simple (*Register of Great Seal*, 1546–1580, No. 637). On the 11th of June 1572

The list of the members of this council under Archbishop Hamilton begins thus—

the king granted a charter to Robert Lord of Semple, in which reference is made to John Hamilton, formerly of Drumry, son of John, formerly Archbishop of St. Andrews (*ibid.* No. 2074). Three at least of his sons were legitimated, John and William, while he was Bishop of Dunkeld, and David after his death (*infra*, pp. 555, 557). George Crawfurd states that the archbishop had a daughter Jean, who was married to Robert Bruce of Blairhall (*Lives and Characters of the Officers of the Crown and State*, 1726, p. 381). Her Christian name was Margaret, not Jean (*Register of the Great Seal*, 1593–1608, Nos. 1133, 1280). She had a gift of her father's escheat on 28th July 1587 (*Register of the Privy Seal*, lv. 117). Writing in June 1560, Randolph affirmed that Lady Stanehouse had had five or six children to the archbishop (Bain's *Calendar of Scottish Papers*, 1547–1563, p. 430); and nineteen months later, he added that, in 1561, he hath had "a cople of chyldren" (*ibid.* p. 592). The language seems to imply that the "cople" were not by Grissel Sempill. Knox says that the world knew, "albeit nott all," how many other wives and virgins he had had, and that "his bastard byrdis bear some witness" (Laing's *Knox*, i. 125). Grissel is said to have "followed him as scho had bene his lauchfull wyffe" (*ibid.* i. 281 *n.*). On Wednesday, the 26th of November 1561, the magistrates and town council of Edinburgh had ordered "Grissell Simpill, Lady Stanehous, adulterer," to leave the town before next Monday, "under the panys contenit in the proclamatioun set furth aganis adulteraris" (*Extracts from the Records of the Burgh of Edinburgh*, 1557–1571, p. 129). The indulgent advice which was given to him professionally by Cardan, the famous Italian physician, throws a hideous light on the prevailing corruption of clerical morals as well as on the depravity of the archbishop in particular (Robertson's *Statuta Ecclesiæ Scoticanæ*, ii. 301, 302; Sir James Y. Simpson's *Archæological Essays*, ii. 338, 339). Incidentally, it is mentioned that "his grace . . . was a great eater and drinker" (Henry Morley's *Jerome Cardan*, ii. 113). On the 10th of March 1539–40, and again on the 27th of September 1543, Grissel Sempill is designated wife of James Hamilton of Stanehouse (*Register of Great Seal*, 1513–1546, Nos. 2120, 2960); but he seems to have got legally rid of her by the 21st of February 1545–46, when Mariot Touris is given as his wife's name (*ibid.* No. 3214). Dr. Maitland Thomson has found record evidence to show that the archbishop and Grissel Sempill had also a daughter Helen, who was her mother's executrix, and was in 1596 wife of John Walker, goldsmith, burgess of Edinburgh; and also a daughter Jeillis, called sister-german of John Hamilton of Drumry in 1578. In Father Hunter Blair's translation of Bellesheim (iii. 215), Archbishop Hamilton's lamentable licentiousness is comprised in the phrase, "his private life was irregular."

"The following are the bishops:—

"William [Gordon] of Aberdeen.
Patrick [Hepburn] of Moray, Commendator of Scone.
Andrew [Durie] of Whithorn, and [Dean] of Stirling Chapel Royal.
William [Chisholm] of Dunblane.
Robert [Reid] of Orkney, Commendator of Kinloss.
William [Cunningham] elect and confirmed of Lismore."[1]

Nine years after the meeting of this council, the first bishop on the list asked the advice of the dean and chapter of his see touching reformation and "stancheing of heresies" within his diocese. Had they merely given him oral advice, all knowledge of it might have vanished; but, fortunately, or unfortunately, they committed it to paper, and the original document, in the handwriting of the dean, and signed by other nine members of the chapter, has been preserved.[2] Here is the first sentence—

"In primis, that my lord of Abirdene causs the

[1] Patrick's *Statutes of the Scottish Church*, pp. 85, 86.

[2] This document was copied from the original at Dun by Father Thomas Innes in 1728, and was printed from his transcript in 1845, in the *Registrum Episcopatus Aberdonensis*, Spalding Club, i. pp. lxi.–lxv. It had been previously printed, probably from the same transcript, in Bishop Keith's *History of the Affairs of Church and State*, 1734 and 1748 editions, p. xiv.; and in Spottiswoode Society edition, 1844, i. pp. cxx.–cxxiii. For the *Miscellany* of the Spalding Club, 1849 (iv. 57–59), it was collated with the original; and I have followed that print of it.

kirkmen within his lordschipis diocie to reforme thame selfis in all thair sclanderus maner of lyving, and to remove thair oppin concubinis, alsweil grete as small, under sic panis as is contenit in the law and actis provinciall; and the cheptour of Abirdene sall do siclyk amangis thayme in all scharpest maner, conforme to the law, alsweill on thair selfis as thair servandis, or ony uther personnis duelland undir thair jurisdictioun."[1]

This was fairly ingenuous so far as the morality of the clergy of the diocese, and even of the members of the chapter, was concerned; but towards the close of the document the personal failings of the lord bishop himself were as candidly dealt with—

"And that the premisses be the help of God may tak the better effect, the deyne and cheptour forsaidis humlie and hartlie prayis and exhortis my lord thair ordinar, for the honour of God, releif of his awn conscience, and weill of his lordschipis dyosie, eveting of grete sclander, and becauss all thai that ar contrarius to the religioun Cristiane promittis faythfull obedience to the prelatis, sua that thai will mend thair awn lyvis and thair inferiouris, conforme to the law of God and Haly Kirk; in respect heirof that his lordschip wald be sa gude as to schew gude and edificatyve example; in speciale in removing and dischargeing himselff of cumpany of the gentill woman be quhom he is gretlie sclanderit; without the quhilk be done,

[1] *Kirkmen* = churchmen or clergy, *diocie* = diocese, *sic panis* = such pains, *siclyk* = suchlike or similarly.

dyverss that ar pertinax sayis they can nocht accept consall and correctioun of him quhilk will nocht correct him self."[1]

Bishop Gordon had indeed given abundant cause for slander. Three of his sons, William, Walter, and Alexander, were legitimated on the 26th of February 1553–54; and a son George, on the 10th of June 1566.[2] He had, it seems, three sons, George, John, and William, and three daughters, Margaret, Matilda, and Elizabeth, by Jonet Knowis, the daughter of an Aberdeen burgess. She may have been "the gentill woman" with whom he was "gretlie sclanderit," but Archbishop Spottiswoode's language implies that he had also children by other women.[3]

[1] *Deyne and cheptour* = dean and chapter, *humlie and hartlie* = humbly and heartily, *awn* = own, *dyosie* = diocese, *promittis* = promises, *quhom* = whom, *quhilk* = which, *pertinax* = pertinacious. [2] *Infra*, p. 562.

[3] On the 20th of October 1565, John Colleson, succentor of Aberdeen and rector of the church of the hospital of St. Peter—with consent of William, Bishop of Aberdeen, patron of the said rectory, president and chapter of Aberdeen—granted a charter of the "terras umbrales seu boreales ville ecclesiastice (*lie* Kirktoun) de hospitall sive hospitalis S. Petri prope Abirdene," in favour of Jonet Knowis in liferent, and George Gordon her natural son in fee, and to his lawful children and assignees whomsoever; whom failing, to John Gordon, his brother-german, and his lawful children, etc.; whom failing to William Gordon, their brother-german, and his lawful children, etc.; whom failing, to Margaret Gordon, their sister-german, and her lawful children, etc.; whom failing, to Matilda Gordon, their sister-german, and her lawful children, etc.; whom failing, to Elizabeth Gordon, their sister-german, and her lawful children, etc. (*Register of the Great Seal of Scotland*, 1580–1593, No. 829). In his *Annals of Aberdeen* (1818, ii. 314) Kennedy identifies the Jonet Knowis or Knowles of this charter as Bishop Gordon's concubine. The six children named were evidently all by one reputed father, called Gordon. "Mariore Gordone, doithar to umquhaill Wilyem, Bischoip of Aberden, departtit the xiiii day of Januar 1581 yeiris" (*Miscellany of the Spalding Club*, ii.

The second bishop on the list, Patrick Hepburn of Moray, had many bastards by different mothers. No fewer than ten of them were legitimated under the Great Seal, two of them, viz. John and Patrick, on the 18th of December 1533, while he was still Prior of St. Andrews; five of them, viz. Adam, Patrick, George, John, and Patrick junior, on the 4th of October 1545, that is, seven years after he became Bishop of Moray; two daughters, viz. Janet and Agnes, on the 14th of May 1550; and another daughter, Agnes, on the 8th of February 1587–88.[1] He had also a daughter, Joanna, whose mother's name was Janet Urquhart.[2] By this Janet Urquhart he apparently had three sons, Patrick, David, and Thomas; and a son, Alexander, by Elizabeth Innes.[3]

54). "He had a daughter who wes mareid to the laird of Vdny"; and casual reference is made to his son John (*Gordon's Genealogical History of the Earldom of Sutherland*, pp. 172, 478). "Some hopes he [*i.e.* Bishop Gordon] gave at first of a virtuous man, but afterwards turned a very epicure, spending all his time in drinking and whoring; he dilapidated the whole rents by feuing the lands, and converting the victual duties into money, a great part whereof he wasted upon his base children, and the whores their mothers" (*Spottiswoode's History*, Spot. Soc. ed. i. 210).

[1] *Infra*, pp. 558, 568.

[2] *Register of St. Andrews Kirk-Session*, Scottish History Society, i. 234, 238.

[3] The record of these last-named four sons is preserved in a charter which he granted at the monastery of Scone on the 11th of June 1566, and which was confirmed by King James on the 19th of March 1583–84:—"Rex confirmavit cartam factam per quondam Pat. epis. Moravien. commendatariumque perpetuum de Scona, et ejusdem conventum, [qua,—pro 800 marc. persolutis et ad reparationem monasterii sui, tunc pro majore parte combusti, exponendis,—ad feudifirmam dimiserunt Adamo Hepburne de Ballinhard—terras de Durdie-Scott alias Durdie-superior (per Margaretam Stewart relictam M. Joannis Aytoun de Kynawdy occupatas aut saltem in vitali redditu habitas), in dominio et regalitate

The third bishop on the list, Andrew Durie of Whithorn (or Galloway), had previously been Abbot of Melrose, and had at least an evil reputation, being "sometymes called for his filthines, Abbot Stottikin."[1]

The fourth bishop on the list, William Chisholm of Dunblane, was, says Archbishop Spottiswoode, "a wicked and vicious man."[2] Two of his sons,

de Scona, vic. Perth:—Tenend. dicto Adamo et heredibus masc. ejus de corpore legitime procreandis eorumque assignatis, quibus deficientibus, Georgio H. ejus fratri germano, et heredibus etc. (*ut supra*), quibus def., Patricio H. filio naturali Jonete Urquhart, et heredibus etc. (*ut supra*), quibus def., Davidi H. fratri germano dicti Pat., et heredibus etc. (*ut supra*), quibus def., Thome H. fratri germano ejusdem, et heredibus etc. (*ut supra*), quibus def., Alexandro H. filio naturali Eliz. Innes, et heredibus etc. (*ut supra*), quibus def., legit. et propinquioribus heredibus masculis dicti Adami cognomen et arma de Hepburne gerentibus, et eorum assignatis quibuscunque, de dicto monast . . .]" (*Register of the Great Seal*, 1580–1593, No. 681). The two brothers-german first referred to were probably the Adam and George legitimated on the 4th of October 1545. In 1566 it was complained that the bishop had feued other lands of the abbey to his natural son Adam (*Register of the Privy Council*, i. 465). As David and Thomas are described as brothers-german of Patrick, who is more particularly described as the natural son of Janet Urquhart, it may be safely assumed that they were all her sons by one father; and, as their surname was Hepburn, and as she had a daughter to Patrick Hepburn, Bishop of Moray, the conclusion is well-nigh inevitable that these three sons were also his. The reason for inserting Janet Urquhart's three bastard sons in the charter was apparently sufficient for also inserting the bastard son of Elizabeth Innes, and so this Alexander Hepburn was, it may be inferred, also a son of the bishop. Thus, while it is absolutely certain that he had eleven bastards, there is good reason to believe that he had fifteen, unless Janet Urquhart's son Patrick may be identified with one of the three Patricks legitimated, in which case the number would be fourteen. The Margaret Stewart mentioned in the charter, and described as relict of Mr. John Aytoun, of Kinnaldy, was one of the illegitimate children of Alexander Stewart, the immediate predecessor of Patrick Hepburn in the bishopric of Moray and in the abbacy of Scone (*Register of the Great Seal*, 1546–1580, No. 157).

[1] Laing's *Knox*, i. 261. [2] Spottiswoode's *History*, i. 215.

William and James, were legitimated on the 8th of June 1550;[1] and there is charter evidence for a son, James, and for a daughter, Helen, who married John Buchanan younger of that ilk.[2] Joanna or Jane Chisholm, who married Sir James Stirling of Keir, is alleged to have been also a daughter of this bishop,[3] who, according to Randolph, had ten or twelve children, eight of them being daughters.[4]

It is a relief to turn from such men to the next bishop on the list, Robert Reid of Orkney. Knox charges him with avarice, and he was certainly a pluralist; but he was a scholar, a lover of books, a judicious builder, a founder of Edinburgh University, and, better still, a man of clean life.[5]

William Cunningham, the last bishop in the list, the elect and confirmed of Lismore (that is, of Argyle), surrendered the see before the 14th of

[1] *Infra*, p. 558.

[2] *Register of the Great Seal*, 1513–1546, No. 3007; 1546–1580, Nos. 985, 986.

[3] Keith's *Catalogue*, 1755, p. 105.—It is affirmed that she was the bishop's daughter by Lady Jean Graham, daughter of William, Earl of Montrose (Fraser's *Stirlings of Keir and their Family Papers*, p. 40). In the marriage contract, dated 5th March 1542–43, she is described as "Jayn Cheisholme, cousigness to ane reverend father in God, William, Bischop of Dunblane" (*ibid.* p. 378); and in a tack of certain teinds, or tithes, granted by the bishop and his chapter in 1557, she is described as "ane honorable gentill woman, Jayne Cheisholme, spous moderne to ane nobill man, James Stryueling of the Keir" (*ibid.* p. 411). In two charters her name is given as Johanna Chesholme (*Register of the Great Seal*, 1546–1580, Nos. 103, 1029).

[4] Bain's *Calendar of Scottish Papers*, 1563–69, pp. 100, 140.—Randolph also charges him with incest.

[5] Laing's *Knox*, i. 264; *Records of the Monastery of Kinloss*, pp. xlix.–lvi.

July 1553.[1] Of his character I know nothing, either good or bad.

Thus, of the seven principal members of the council of 1549, the archbishop (the only archbishop there, Glasgow being vacant) and three out of the six bishops were shamelessly depraved men, and another of the bishops had an unsavoury reputation — a startling preponderance on the side of the devil. It would be tedious to go through the other members of the council individually. Instead of doing so, or assuming that they were neither better nor worse proportionally than the occupants of the episcopal bench, let us hope that the good men among them were not in such a decided minority. It mattered little to the wicked majority though statutes were passed for the reformation of clerical morality, if the statutes could not be enforced, and as a matter of fact they were not.

It was on the 5th of January 1558–59 that the Dean and Chapter of Aberdeen gave their bishop the good advice of which he stood in such need. On the 1st of the following March another provincial council of the clergy of Scotland was convened in Edinburgh by Archbishop Hamilton, or, as he designated himself, "John, by the mercy of God, Archbishop of St. Andrews, Primate of the whole realm of Scotland, *legatus natus* of the Apostolic See, and *legate de latere* of the said see

[1] Maziere Brady's *Episcopal Succession*, i. 161.

for the whole realm aforesaid." To this council certain articles were sent by the queen-regent, Mary of Guise, to whom they had been proposed by temporal lords and barons who desired to see the old Church purified and strengthened, not overthrown. In the very forefront of these articles it is pointed out that James v., in his Acts of Parliament, "thocht necessair to mak ane publict exhortatioun unto my lordis the prelatis and rest of the Spirituale Estate, for reforming of ther lyvis and for avoyding of the opin sclander that is gevin to the haill Estates throucht the said spirituale men's ungodly and dissolut lyves."[1] The temporal lords and barons go on to state that in divers of the provincial councils recently held in Scotland this point had been treated of and several statutes made thereupon, of which, nevertheless, little or no fruit had followed; "bot rathare the said [Spiritual] Estate is deteriorate, nor emends by ony sic persuasion as hes bene hidertills usit."[2] Thus prompted, this council of 1558–59 adhered to the statutes of 1549, and anew ratified and accepted the decree of the Council of Basel, "pronounced against those who live in concubinage." Now that decree, it is declared, is "to be observed in all its sections, and to be enforced as well upon the archbishops and the bishops their suffragans as upon the

[1] The reference is to an Act passed on the 14th of March 1540–41 (*infra*, p. 84).

[2] Patrick's *Statutes of the Scottish Church*, p. 156. *Emends* = amends, *sic* = such, *hidertills usit* = hitherto used.

other prelates and the lower clergy of this realm."[1]

By another statute this council of 1558-59 forbade "any of the prelates or lower clergy to bring up or keep in their household or society their offspring born of concubinage, so that they should stay in their household for more than four days in every three months—and even then they must not do so openly." If the transgressor was an archbishop, the penalty for a first offence was to be £200; if a bishop or other prelate, £100; if one of the lower clergy, a discretionary fine. For a third offence the penalties were to be quadrupled.[2]

This council also forbade "any archbishop or other prelate to collate his offspring, or allow them to be collated, directly or indirectly, to any kind

[1] Patrick's *Statutes of the Scottish Church*, p. 163.—It was provided that the metropolitans should enforce its observance on their suffragans, and the bishops upon the lower clergy. And in order that the metropolitans, *i.e.* the Archbishops of St. Andrews and Glasgow, might not "seem to lay *grievious burdens* on their reverend suffragans and lower clergy, while they perhaps are too freely indulgent to themselves in virtue of their privileges and exemptions," it is stated that "they have spontaneously submitted themselves, for the good example of others, to the advice, inquisition, and reproof" of the Bishop of Dunkeld, the bishops designate of Whithorn and Ross, as well as of Mr. John Sinclair, Dean of Restalrig, John Greyson, Provincial of the Black Friars, and John Wynram, Sub-Prior of St. Andrews. The framers of this statute unconsciously perhaps betrayed their sympathies, when they spoke of the removal of concubines as laying "grievious burdens" on the reverend bishops and lower clergy. Patrick Hepburn objected to this statute (Laing's *Knox*, i. 292); and according to Pitscottie (Scottish Text Society, ed. ii. 141) did so in language as pointed and personal as it was coarse, so coarse as to be almost incredible if Hepburn's character was not otherwise so well known. Probably John Forman (*Appendix D*) might also have been shameless enough to use similar language.

[2] Patrick's *Statutes*, p. 164.

of ecclesiastical benefice in their churches"; and any collation or provision of the kind that had been granted was to be, *ipso facto*, null and void. There was always the danger, of course, that the head of the Church might grant a dispensation; and therefore, that this statute might have due effect, the council "deemed it expedient earnestly to implore the queen to write supplicatory letters to our holy lord the pope, beseeching his holiness never more to grant any dispensations from the aforesaid statute"; and, if such dispensations were "fraudulently obtained by concealing all mention of this statute," they were to be, *ipso jure*, null and void.[1]

Still another statute of this council is worthy of notice in this connection. It does not absolutely forbid prelates and their subordinate clergy to marry their daughters to barons, as the statute of 1549 had done; but it "prohibits any prelates or churchman whatsoever, in person or by proxy, to dower their daughters or give them a dowry out of the patrimony of Christ, when they shall give them in marriage to barons or other landed gentry having a yearly rental of more than a hundred pounds." Nor were they to "make their sons barons or landed gentry with a yearly rental of more than a hundred pounds." Moreover, they were in no wise to "make over or let, directly or indirectly, Church lands or other lands pertaining to their benefices, or tithes, to their said issue and

[1] Patrick's *Statutes of the Scottish Church*, p. 165.

to their concubines."[1] The following quotation from Joseph Robertson shows the need there was for such a statute:—

"When Cardinal Beaton married his daughter to the Master of Crawford, A.D. 1546, he gave her a dowry of 4000 merks, the same sum which the Regent Arran, the first subject of the realm, gave in marriage with one daughter to the Earl of Eglinton, A.D. 1545, and with another to Lord Fleming, A.D. 1555 . . . When Bishop Chisholm of Dunblane—perhaps the poorest of all the Scottish sees—married his daughter to Sir James Stirling of Keir, A.D. 1542, he gave her a dowry of £1000, and a lease of tithes, and became bound to keep her and her husband for five years."[2]

It is no wonder that Ninian Winzet, staunch Papist though he was, twitted the bishops with their anxiety to have the barons for their posterity; or that he put this question to them—

[1] Patrick's *Statutes of the Scottish Church*, p. 165.—The penalties imposed by this statute are—(1) for so dowering a daughter the churchman was to pay to pious uses as much money as he had given in dowry or promised to give; (2) for so endowing a son, the value of the lands so given was to be taken; and (3) when either lands pertaining to a benefice or tithes were let to a bastard or concubine, the lease was to be, *ipso facto* and *ipso jure*, of no effect.

[2] Robertson's *Statuta Ecclesiæ Scoticanæ*, ii. 303.—Thomas Maule, when a young man, was contracted in marriage with one of Cardinal Betoun's daughters; "bot on ane day cumand rydin in companie owt of Arbrothe withe Kinge James the Fyft, the kinge did cal him asyd, quha heavin afor hard of the contract, said to him, 'Marie nevir ane preists geat.' Quharupone that mariage did ceas" (*Registrum de Panmure*, 1874, i. p. xxxiii.). In the marriage contract of Sir James Stirling of Keir and the Bishop of Dunblane's daughter, the parties are James Stirling on the one part, and James Chisholm of Classingall and Jayn

"Gaif the princes of the erth yow yeirly rentis (as the disciplis in the beginnyng sauld thair landis and gaif the pryces thairof to the apostolis) to the end that every ane of yow mot spend the samyn upon his dame Dalida and bastard browis?"[1]

The statutes of 1549 imply that the nuns of Scotland were not quite immaculate.[2] The nature of their delinquencies is stated very plainly in a remarkable letter addressed to Pope Paul IV. by Cardinal Sermoneta in 1556. The letter recapitulates the petitions which Sermoneta and other two cardinals had, on behalf of Mary, Queen of Scots, orally pressed upon the pope. One of the passages is in these terms—

"Moreover, on behalf of the said queen, it had been declared how all nunneries of every kind of religious women, and especially those of the Cistercian Order, abbesses, prioresses, and sisters included, have come to such a pass of boldness, that they utterly contemn the safeguards of

Chisholm "cousigness" to the Bishop of Dunblane on the other part. The bishop is not a party; but evidently Joseph Robertson regarded him as being behind his brother, the Laird of Classingall, who was to pay the £1000, and who was to cause the bishop and his chapter to make assedation of the tack of teinds, and to cause the bishop to "sustene the saidis James Striueling and Jayn in all ordinar expensis for the space of fyf yeris"; and Stirling agreed that he would neither sell nor wadset any of his lands, nor make leases, nor sell victuals or other things, without the bishop's counsel, and would always use his counsel in all his affairs (*Stirlings of Keir and their Family Papers*, pp. 378, 379).

[1] Niniane Winzet's *Certane Tractatis*, Maitland Club, pp. 5, 6.

[2] Patrick's *Statutes of the Scottish Church*, pp. 92, 96.

chastity. [For] not only do they wander outside the monastic enclosures in shameless fashion, through the houses of seculars, but they even admit all sorts of worthless and wicked men within their convents and hold with them unchaste intercourse. [Thus] they defile the sacred precincts with the birth of children, and bring up their progeny about them, go forth abroad surrounded by their numerous sons, and give their daughters in marriage, dowered with the ample revenues of the Church. For this scandal there is no possible hope of a remedy except it be applied by your holiness, as they allege their exemptions and will consent to no admonition or visitation of the ordinaries." [1]

Other flagrant abuses in the Scottish Church were uncompromisingly denounced by Cardinal Sermoneta, who wound up his letter by naming as the prelates most capable of executing the necessary reforms, and as those most acceptable to the queen, Archbishop Betoun of Glasgow, Bishop Hepburn of Moray, Bishop Durie of Galloway, Bishop Chisholm of Dunblane, and Bishop Reid of Orkney. That such men as Patrick Hepburn, Andrew Durie, and William Chisholm should have been suggested for such a duty by Sermoneta can

[1] *Papal Negotiations with Mary Queen of Scots during her reign in Scotland.* Edited from the original documents in the Vatican Archives and elsewhere by John Hungerford Pollen, S.J., Scottish History Society, pp. 528, 529.—The original letter with Sermoneta's autograph signature is in the Vatican Archives, and was transcribed by the late Father Joseph Stevenson, S.J. It has no date, but Father Pollen assigns it to 1556. An original minute signed by the pope, referring to the same matters, is dated 27th October 1557 (*ibid.* pp. 4–9). The translation given above is by Father Pollen.

be excused only by the supposition that he was ignorant of their character, or that he wished to act on the principle—set a thief to catch a thief.

It is matter for profound regret that any Church should have had such a seamy side; but the proofs which I have given, though they may be ignored or evaded, can neither be refuted nor explained away; and so much evidence of the same nature can be drawn from official records, that it is quite unnecessary to call in Sir David Lyndsay and his fellow satirists, or the Reformers and Protestant historians, such as Knox and Buchanan.

This corruption of morals did not spring up, like Jonah's gourd, in a night. It was of gradual and long-continued growth.

Archdeacon John Bellenden, a pre-Reformation dignitary of the Roman Catholic Church in Scotland, after praising Robert Bellenden, the Abbot of Holyrood, for his charitable deeds and good works, says—

"Nochtheles, he was sa invyit be sindry othir prelatis, becaus he was not gevin to lust and insolence efter thair maner, that he left the abbay, and deit ane chartour monk."[1]

This Robert Bellenden resigned the abbacy of Holyrood shortly before the close of the fifteenth century.[2] Nearly thirty years before that, the

[1] Bellenden's *Bœce*, 1821, ii. 299. *Sa invyit* = so envied, *deit* = died.

[2] His predecessor, Archibald Crawford, died in 1483 (*Liber Cartarum Sancte Crucis*, p. xxxi.). Bellenden is said to have been abbot for sixteen years before resigning. Crichton succeeded him in 1500 (Maziere Brady's *Episcopal Succession*, i. 182).

abbacy of Dunfermline was vacant, and one of the monks was chosen by the convent; but the king, James III., nominated Henry Crichton, then Abbot of Paisley, and induced the pope to prefer him; and, in the same way, the king was able to promote the parson of Minto to be Abbot of Paisley.[1] This parson was one of the secular clergy, that is, he was not a monk, and so not under the rule of any religious order. According to Bishop Lesley (a Roman Catholic historian born in 1527), this was the beginning of the promotion of seculars to abbacies by the king's supplication; and thus, he says, godly elections were frustrated, as the Court of Rome, for the "greyt proffeit and sowmes of money" it thereby received, granted the king's desire; and bishops were in consequence afraid to confirm those chosen by the convent, and those chosen did not dare to press their right. In Lesley's opinion great evils flowed from this practice. To quote his own words—

"The abbottis and pryouris being promovit furth of the court, quha levit courtlyk, secularlye, and voluptuoslye: and than ceissit all religious and godlye myndis and deidis, quhairwith the secularis and temporall men beand sklanderit with thair evill example, fell fra all devocioun and godlynes to the warkis of wikednes, quhairof daylie mekill evill did increase."[2]

There may be a great deal of truth in what

[1] 1472 is given as the date of these appointments (Maziere Brady's *Episcopal Succession*, i. 177, 205).

[2] Lesley's *History of Scotland*, Bannatyne Club, pp. 39, 40. *Promovit* = promoted, *quha* = who, *levit* = lived, *beand* = being, *mekill* = much.

Lesley says, but the corruption of the Scottish monasteries dates from an earlier period than the reign of James III. Archdeacon Bellenden traced many of the miseries and troubles of Scotland to the great liberality of David I. (1124–1153) to the Church. It is instructive to find this ecclesiastical dignitary excusing the saintly king on the ground that in his days the people were so simple that they firmly believed that the man who gave most riches and lands to the Kirk received most favour from God. Bellenden even praises James I. as a wise prince, for saying at the tomb of this St. David, "He was ane soir sanct for the Crown," meaning that he left the Church too rich and the Crown too poor. The honest, outspoken archdeacon declares that, when he was writing (*i.e.* about 1533), the Church possessed these endowments to "na les dammage of common weil than perditioun of gud religion"; for the superfluous revenues of the Church not only enabled "evil prelatis to rage in maist insolent and corruppit life," but drew the gold and silver out of the realm.[1]

[1] Bellenden's *Bœce*, 1821, ii. 299, 300.—Sir David Lyndsay's sentiments on this matter were not unlike Bellenden's—

"Quhat, gif King David war leivand in thir dayis?
The quhilk did found sa mony gay abayis:
Or out of heavin, quhat gif he luikit doun?
And saw the great abominatioun,
Amang thir abesses, and thir nunries,
Thair publick huirdomes, and thair harlotries:
He wald repent, he narrowit sa his bounds,
Of yeirlie rent, thriescoir of thowsand pounds;
His successours maks litill ruisse, I ges,
Of his devotioun, or of his holines."—(LAING'S *Lyndsay*, ii. 149).

John Major had previously expressed the opinion that King David had

That the monasteries were corrupt in the days of James I. is proved by a letter of his of 17th March 1424–25, to the abbots and priors of the Benedictine and Augustinian Orders in his realm, in which he tries to awaken their "sluggish minds," by informing them that monastic religion is being everywhere "defamed and brought into disgrace." He blames their "pernicious deeds and example," and urges them by rigour of discipline to cut off occasions of dissoluteness.[1]

In 1434, Laurence of Lindores founded a chaplainry in the parish church of St. Andrews, in honour of the holy and undivided Trinity, and the most glorious Virgin Mary, St. Michael the Archangel, St. Serf, and all saints. In all time coming the chaplain was to celebrate masses for the safety of the souls of the Bishop of St. Andrews, of the father and mother of the founder, of the founder himself, of his brothers and sisters, etc. The foundation charter contains this suggestive stipulation—

"If it happen, which God forbid, that the said chaplain shall keep any concubine or common

lavished on monasteries more than was right of the royal revenues. "If he had taken count of those religious houses which had been founded by his predecessors, and likewise had considered that the Scots were wont to pay exceeding little in the way of taxes to their king, and further had foreseen the kind of life which the religious would come to lead, never would he have enfeebled the royal revenues for the aggrandisement of religious houses and their enrichment beyond what was wise. That wealth was, indeed, the offspring of a truly pious sentiment, but the wanton daughter ended by suffocating her mother. . . . Behold then, here, what may happen to religion from the possession of great wealth" (Constable's translation of Major's *History of Greater Britain*, Scottish History Society, p. 136).

[1] *Acts of the Parliaments of Scotland*, ii. 25, 26.

wench, or adhere to such publicly, and shall not effectively put the same away, after being thrice warned by the lord bishop or his ministers, then let the said chaplainry thereby and thenceforward, without further process, be reckoned vacant."[1]

Apparently the erring chaplain could retain his post, though he kept a concubine or common wench after being twice reproved; but if he were shameless enough to do so after a third reproof, he was bound to give up the chaplainry. The mere fact that it was deemed necessary to insert such a clause in a cold-blooded legal document indicates the terrible depth to which the Church had by that time sunk. The stipulation was not an uncommon one in the foundation charters of chaplainries.[2] I have selected this one for a special reason. The founder describes himself as "Laurence of Lundoris, rector of the parish church

[1] *Appendix E.*

[2] A charter by the virtuous Robert Bellenden, Abbot of Holyrood, for the sustentation of two chaplains in the chapel of St. Ninian, at the end of the bridge of Leith, contains this clause: "Et si ipsi capellani vel eorum alter focariam seu concubinam detinuerit hoc cognito et notorio vacabit ipsius capellania predicta." This charter was granted with consent and assent of the chapter of Holyrood, and of Archbishop Schevez, on the 18th of July 1493; and was ratified by James IV. on the 5th of the following January (*Liber Cartarum Sancte Crucis*, Bannatyne Club, pp. 244–252). A charter by Sir John Stirling of Cragbernard, to a chaplain at the altar of St. Mary in the parish church of Campsie, and in his chapel of Cragbernard, has this clause: "Nec licebit eidem capellano, qui pro tempore fuerit, habere seu tenere concubinam seu focariam continuam; quin hoc notarie cognito, ipsa vacabit capellania et servicium." This charter was granted on 6th June 1508, and was ratified on the same day by the Earl of Lennox (*The Stirlings of Keir and their Family Papers*, p. 287). In 1512 Sir John Craufurd mortified certain lands in the Burgh Muir of Edinburgh for the sustentation of a chapel

of Crech, of the diocese of St. Andrews, and inquisitor of heretical pravity in the kingdom of Scotland." Not only was his own seal appended to the charter, but, for greater security, the common seal of the city of St. Andrews. Further, at the end of the charter there is a formal ratification of it by Henry Wardlaw, Bishop of St. Andrews, with consent and assent of the prior and chapter of his cathedral church. The bishop's seal and also the common seal of the chapter were likewise appended.

It is worthy of note that James Resby and Paul Craw were both burned, in the diocese of St. Andrews, while Henry Wardlaw was bishop, and that the prosecutor in both cases was this inquisitor, Laurence of Lindores. And so the bishop and the inquisitor, who put these early martyrs to a cruel death because of their opinions, dealt much less harshly — tolerated even to a certain extent — gross immorality on the part of the clergy.

erected by him upon the grounds in honour of St. John the Baptist. This conveyance was confirmed by James IV. The incumbent "was, in particular, enjoined not to have or detain, 'Focariam aut concubinam in camera vel domo sua'; but there was no penalty in having one or other elsewhere" (*Liber Conventus S. Katherine Senensis prope Edinburgum*, Abbotsford Club, p. xviii.). "In the fifteenth century, a provost of the city [of Aberdeen], who founded a chaplainry, considered it necessary to declare in the deed of foundation that the benefice should not be held by any chaplain who *openly* kept a mistress, or *publicly* consorted with one. The same condition, expressed in similar terms, appears on almost every public deed of the period; and the obvious inference is that the sin was not prohibited, provided it was practised without notoriety" (Joseph Robertson's *History of the Reformation in Aberdeen*, 1887, pp. 16, 17).

The records of many of the councils of the Latin Church in Scotland have perished or been lost. Of those which are known to survive, the substance, so far as the immorality of the clergy is concerned, has been thus summed up by Dr. Joseph Robertson in his admirable preface to the *Statuta Ecclesiæ Scoticanæ*—

"One great evil, it will be seen, the incontinence of the priesthood, stands confessed, deplored, condemned through all the three centuries of Scottish ecclesiastical legislation. Here, as elsewhere throughout Western Christendom, every code of provincial, every code of synodal canons, calls, but calls in vain, upon the clergy to separate themselves from their 'concubines' as they are styled—their 'wives' rather as we may charitably hope that in most cases they should have been regarded, but for the law which forbade the churchman to marry."[1]

In the *Catholic Dictionary* it is acknowledged that this is a human not a divine law.[2] The evils which accompanied or flowed from that law in Scotland, as evidenced by the statutes of the pre-Reformation Church, have been briefly summarised not only by Dr. Joseph Robertson, the

[1] *Statuta Ecclesiæ Scoticanæ*, i. p. ccv.

[2] "All Catholics are bound to hold that celibacy is the preferable state, and that it is specially desirable for the clergy. It does not, however, follow from this that the Church is absolutely bound to impose a law of celibacy on her ministers, nor has she, as a matter of fact, always done so" (*A Catholic Dictionary*, by Addis and Arnold, 1884, p. 133).

learned and impartial editor of the *Statuta* for the Bannatyne Club, but also by Dr. David Patrick, the no less learned and impartial translator and editor for the Scottish History Society. As he puts it—

"By far the most lamentable and irrepressible infirmity of the Scottish clergy was the first of the two shortcomings so candidly admitted in the prologue to the statutes of 1549—'the corruption of morals and profane lewdness of life in churchmen of all ranks.' . . . The prominence and persistence of the mischief may be estimated by the long series of statutes directed against it all through the centuries, down to the synods held just before the old Church system disappeared at the Reformation (with 18 cf. 23, 82, 108, 113, 114, and the rest); the various forms the unlawful relations to women took; and the expedients by which the Church sought—in vain—to repress the vice, punishing with spiritual and temporal penalties not only the priests but their unhappy paramours and children. . . . Some priests kept regular concubines, and even with three months' grace declined to put them 'utterly' away; or having been compelled temporarily to dismiss them, surreptitiously brought them back or proceeded to select new ones. Any eligible *focaria* was assumed to be only a less definitely acknowledged concubine; and dealings with common prostitutes had further to be taken notice of. . . . Worst of all in the eyes of the historical student, anxious not to judge the Church of the thirteenth century by the standard of the

twentieth century, or even of the first, is the distinct implication that bishops and priests, rectors and vicars, were not free from the guilt of abusing the most solemn sacraments of the Church, the church fabric, and the churchyard, by indecently and sacrilegiously dishonouring the women who came to them as penitents for confession and absolution. Our Scottish statutes make it painfully clear that Scottish mothers and aunts had the same strong reasons as St. Catherine of Siena had for urgently imploring the girls and women of their kith and kin to fly from their confessors the moment confession was ended."[1]

Ignorant of all this evidence, modern apologists, some of them Protestants, occasionally betray their recklessness by asserting that the Scottish branch of the Church of Rome was not grossly corrupt until a comparatively short period before the Reformation![2]

Although even in aggravated cases of fornication and adultery, the punishment meted out to clerical offenders was mild, those who ventured to marry could expect no mercy. Norman Gourlay, a priest, who was burned near Edinburgh in 1534,

[1] Patrick's *Statutes of the Scottish Church*, pp. lxxxvii.–lxxxix. The figures within parentheses indicate the numbers of the respective statutes.

[2] For example, the late Dr. Rankin, of Muthill, says: "It is a great mistake and injustice to follow the ignorant prejudice of our extremer sects and condemn the Roman Church with severity, except in its final century, or rather half-century, before the Reformation" (*The Church of Scotland, Past and Present*, edited by R. H. Story, Professor of Ecclesiastical History in the University of Glasgow, ii. 424).

suffered apparently for having married a wife.[1] A few years later, Thomas Cocklaw, the parish priest of Tullibody, was discovered to have secretly married a widow. They lived in separate houses, but that did not save him from condemnation. "He was accused," says Calderwood, "by the Bishop of Dumblane. He was condemned to perpetual imprisonment, and mewed up between two walls; but by helpe of his brother, or brother's sonne, breaking the wall with gavelockes and other instruments, he escaped and fled to England, where he became a minister."[2] This Bishop of Dunblane was the notorious debauchee, William Chisholm. John Durie, for heresy, was also condemned "to be shut up between two walls till he died," but was delivered by the Regent Arran.[3]

[1] Mitchell's *Scottish Reformation*, 1900, p. 39.—Pitscottie no doubt reflected the current opinion of his own day when he said: "They wald thoill [*i.e.* suffer] no preistis to marrie bot they wald punische and burne him to the deid, bot gif he had ussit ten thowsand huris he wald nocht have been brunt" (*Historie and Cronicles of Scotland*, Scottish Text Society, i. 351). In a thirteenth century poem, entitled "A lutel soth Sermon," it is asserted that all priests' wives shall be damned (*An Old English Miscellany*, Early English Text Society, 1872, p. 189). For them there was no purgatory. While Sir Thomas More emphatically declared that it was not true that wedlock was more defiling to the priesthood than whoredom, and alleged that the Church did not teach that it was, he explained that, as perpetual chastity was more acceptable to God than wedlock, the Church only took those to be priests who promised and professed not to marry but to keep perpetual chastity; and therefore he stoutly maintained that their marriage—not because they were priests, but because of their promise—did defile them more than double or treble whoredom (*The Workes of Sir Thomas More, Knyght, sometyme Lorde Chauncellour of England, wrytten by him in the Englysh tonge*, London, 1557, p. 485).

[2] Calderwood's *History*, i. 123, 124. *Gavelockes* = iron crowbars.

[3] Spottiswoode's *History*, iii. 83.

About a century ago, in the abbey church of Inchcolme, "a human skeleton" was discovered "standing upright in the ruins."[1]

There is no reason to believe that the mediæval Church was more corrupt in Scotland than in other countries. For downright profligacy even Patrick Hepburn could and had been surpassed.[2] The enforced celibacy of the clergy was responsible for the gigantic evils which had sapped the foundations of morality among the people.[3] Cosmo Innes, who keenly appreciated and lovingly set forth the better points of the mediæval Church in Scotland, was constrained to say in regard to this question—

"The demoralization pervaded all classes; and it is shocking to think how much of it might be traced to the perilous policy of the Church. The enforced celibacy of the clergy had produced in the course of centuries what it may be feared is its inevitable results. The sympathies of society were enlisted on the side of breach of ordination vows; and prelates, not only dignified, but

[1] Billings' *Baronial and Ecclesiastical Antiquities of Scotland*, iii. *sub* Inchcolme.

[2] "Henry, Bishop of Liège, was a monster of depravity. The frightful revelation of his life is from an admonitory letter of the wise and good Pope Gregory X. His lust was promiscuous. He kept as his concubine a Benedictine abbess. He had boasted in a public banquet that in twenty-two months he had had fourteen children born. This was not the worst, —there was foul incest, and with nuns" (Milman's *History of Latin Christianity*, 1883, ix. 36). It is hardly necessary to mention that the long line of infallible popes includes such iniquitous monsters as John XII., Benedict IX., John XXIII., and Alexander VI.

[3] See Henry C. Lea's *Sacerdotal Celibacy in the Christian Church*.

amiable and respected, shut out from marriage, lived in open concubinage, and provided for numerous families out of their benefices. The mischief of the example of such men in the high places of the Church was not confined to their order. It more than counteracted the feeble efforts of the teachers of a stricter morality, and gradually sapped the whole influence of religion, which the people saw so ineffectual in restraining the vices of its professors."[1]

Such was the fruit of that artificial holiness which, as exemplified in St. Louis Gonzaga, does not permit a man to look at a woman, not even at his mother, when he speaks to her![2] That, even in our own times, a grave danger lurks under this pretended sanctity, and that gross and open immorality may indeed be still engendered by the enforced celibacy of the Church of Rome and flourish to an amazing extent among her clergy, are demonstrated by "A Report from the Secretary of War, with accompanying papers, relative to the lands held in mortmain or otherwise for ecclesiastical or religious uses in the Philippine Islands." This Report, in response to a

[1] *Liber Officialis Sancti Andree*, Abbotsford Club, pp. xxxv., xxxvi.

[2] *Instructions on the Commandments and Sacraments; translated from the Italian of Saint Alphonsus M. Liguori by a Catholic clergyman*, 1872, p. 184. On the same page the question is put: "Is it then a sin to look at a female?" The answer is: "Yes; it is at least a venial sin to look at young females; and when the looks are repeated, there is also danger of mortal sin." And it is added that "it is equally dangerous for females to look at young men." This manual bears the imprimatur of "D. Murray, Archiepiscopus Dubliniensis. Anno Domini 1850."

resolution of the Senate of the United States of 26th January 1901, was transmitted by President McKinley to the Senate on the 25th of the following February.

So far back as 385, Siricius, Bishop of Rome, had issued the decree peremptorily forbidding, as by an immutable ordinance, the marriage of priests and deacons, thus extending the monastic principle of celibacy, and at the same time proving that a large section of the clergy were so unwilling to adopt it that they had to be constrained by law.

According to Milman—

"This unrepealed law was one of the characteristics of Latin Christianity . . . Throughout the whole period from Pope Siricius to the Reformation . . . the law was defied, infringed, eluded. It never obtained anything approaching to general observance, though its violation was at times more open, at times more clandestine." "It was impossible to maintain real celibacy; and the practical alternative lay between secret marriage, concubinage without the form of marriage, or a looser and more corrupting intercourse between the sexes."[1]

The *Catholic Dictionary* explains that—

"A series of synods from the beginning of the twelfth century declared the marriage of persons in holy orders to be not only unlawful but invalid. With regard to persons in minor orders, they were allowed for many centuries to serve in the Church

[1] Milman's *History of Latin Christianity*, i. 97–100; iv. 20.

while living as married men. From the twelfth century it was laid down that if they married they lost the privileges of the clerical state."[1]

This rigid enforcement of celibacy soon bore its pernicious fruits. A twelfth-century English homily on the assumption of St. Mary contains this passage—

"This land that I now speak of is the people that now live. . . . Now has this land lain idle and for a long while has been so; for those that should till it, the teachers of Holy Church, sowed more diligently the devil's seed than our Lord Jesus Christ's, and by example of their foul manner of life invited men to hell and not to heaven. . . . Many clergy speak as the laity, as our Lord said through the mouth of a prophet, *Erit sicut populus sacerdos*—the priest shall lead his life as the lay man: and so they do now, and somewhat worse; for the layman honoureth his spouse with clothes more than himself, and the priest not so his Church, which is his spouse, but adorns his servant, who is his whore, with clothes more than himself. The church cloths are utterly rent and old, and his woman's must be whole and new. His altar cloth large (coarse) and soiled, and her chemise small (fine) and white. And the aube soiled and her smock white, the head-linen black and her wimple white or made yellow with saffron. The mass-cloth of common fustian, and her mantle green or burnet (*or* brown). The corporas soiled and mis-shapen, her hand-cloths and her table-

[1] *A Catholic Dictionary*, 1884, p. 133.

cloths made white and pleasant to look on. The chalice of tin, and her cup of mazer, and her ring of gold; and the priest is so much worse than the layman, the more he honoureth his whore than his spouse [the Church]. Priests are those whom the apostle speaketh of, thus saying, *Quorum deus venter est.* Their belly is their Christ, and all evil examples they manifest in themselves, and the laity diligently follow them, and exhibit practices like wild animals."[1]

Salimbene, an Italian, and Franciscan friar of the thirteenth century, "the golden age of the old ideal," says—

"I have found some priests lending out their money to usury and enriching themselves merely for the sake of their bastards; again I have found others keeping taverns, with the sign of the hoop, and selling wine, and their whole house full of bastard children, and spending their nights in sin, and celebrating mass next day. And when the people communicate, they thrust the consecrated hosts which remain over into clefts of the wall: though these are the very body of our Lord. And many other foul things they do and horrible to be told, which I pass over for brevity's sake. They keep their missals, corporals, and church ornaments in an indecent state—coarse, black, and stained: tiny chalices of tarnished pewter; rough country wine or vinegar, for the mass. The hosts they

[1] *Old English Homilies of the Twelfth Century*, second series, Early English Text Society, pp. 162, 164.—I have followed the translation of the editor, the Rev. R. Morris, LL.D. Those who wish to see the passage in its antique form will find it in the same volume, pp. 163, 165.

consecrate are so little as scarce to be seen betwixt their fingers—not circular, but square, and all filthy with the excrements of flies. Many women have better shoe-bands than the cincture, stole, and maniple of many priests, as I have seen with mine own eyes. One day when a Franciscan friar had to celebrate mass in a certain priest's church on a feast-day, he had no stole but the girdle of the priest's concubine, with the bunch of keys attached, and when the friar (whom I knew well) turned round to say '*Dominus vobiscum*' the people heard the jingling of the keys."[1]

Evidence of this kind could easily be multiplied, but enough has been given to show that Scotland had no monopoly of priestly pre-eminence in sin. If the vile, soul-degrading lust of the flesh is one of the gates of hell, that gate had long prevailed against the Church of Rome. Perhaps it should rather be said that that Church in its foulness had itself become one of those gates.

[1] G. G. Coulton's *From St. Francis to Dante*, 1907, p. 297

III

SECONDARY CAUSES—CLERICAL IGNORANCE AND IRREVERENCE

HAVING considered "the corruption of morals and profane lewdness of life in churchmen," so ingenuously confessed by the provincial council in 1549, let us turn now to the "crass ignorance" which was confessed at the same time.[1] Of the astounding ignorance of many of the clergy of that period there is also overwhelming proof. Some of them were not only unacquainted with literature and the liberal arts, but seem to have been barely able to read.

Alexander Seaton, the Prior of the Black Friars of St. Andrews, who, in or shortly after 1531, fled to England to escape persecution, complained to James v. that some of the clergy who could not read their matins were made judges in cases of heresy.[2] Archibald Hay, as already quoted, testified that the mass was celebrated by priests who hardly knew the order of the alphabet, and who had not tasted learning with even the

[1] *Supra*, p. 49.

[2] Laing's *Knox*, i. 49.

tip of their lips.[1] On that ignorance he thus enlarged—

"If there were room for inaction in any matter it would rather be anywhere than in this business, by far the most perilous of all. For the ignorance of the priests is the turbid source whence most of the Church's disasters flow. Nor is it a sufficient argument in excuse if some bishop were to say—'Whatever trouble there may be in this matter of the examination of priests, men lurking in the shade conduct it in bad faith, and if there is any mistake (as no doubt there are mistakes), it falls on the bishop's head.' But it was his duty to have with him men of approved faithfulness, by whose wisdom all that related to such an important subject would be settled. The archdeacon is understood by some to be the bishop's right eye, and if he ceases to be that eye everybody knows in what evil plight the one-eyed bishop finds himself. For it is also the duty of an archdeacon to propound questions to each and every one that pants for the priesthood, according to the grade that he seeks—thus easier questions to sub-deacons, more difficult ones to deacons, and theological questions to presbyters; and, after the examination, to make a definite report to the bishop as to what should be done. But how many archdeacons more stupid than the examinees themselves are appointed, admitting all or any into the Church without selection! Lest they should lose any part of their salary, they believe it to be sufficient to have admitted to the ecclesiastical office, not

[1] *Supra*, p. 42.

as learned men as possible, but as many men as possible, so as to burden the common people rather than to relieve them. Someone will ask for what object so many are ambitious to be admitted into the ranks of churchmen. It is because, unwilling to feed, they desire to be fed; they want an income in order to spend their lives in ease, and grow rich from the labour of others. But if the sustenance were withdrawn, how very few would seek ecclesiastical positions! Here I think I see some wrinkling their brows and getting angry because I am coming closer to the point than they would like."[1]

When the archdeacons were stupid, ignorant, otherwise incompetent, or avaricious, it is no wonder that the Church was flooded with ignorant and corrupt priests.[2] In the last Parliament of James v. an Act was passed (14th March 1540–41) in which it was declared that "the unhonestie and misreule of kirkmen, baith in witt, knawlege, and

[1] *Ad D. Davidem Betoun Card. Panegyricus*, fol. xxxiv.

[2] "The archdeacon [*archidiaconus* not *archidecanus*] administered the whole jurisdiction of the bishop, and was, by law as well as practice, the judge in the Episcopal Court. The diocese was sometimes divided into two archdeaconries, for example, St. Andrews, into the archdeaconries of St. Andrews beyond Forth and Lothian; Glasgow, into Glasgow proper and Teviotdale. When court business became large and constant, the duty was discharged by a judge, apparently named by the archdeacon, styled the *Official*. The greater part of the law business of Scotland, both civil and ecclesiastical, before the Court of Session was established [in 1532], was done in the Courts of the Officials of Edinburgh—St. Andrews principal and Glasgow wielding the authority of their respective archdeacons" (Cosmo Innes' *Lectures on Scotch Legal Antiquities*, 1872, p. 181). Alexander Stewart, a bastard son of James IV., was appointed Archdeacon of St. Andrews when he was only about ten years old [Herkless and Hannay's *Archbishops of St. Andrews*, i. 220–222).

maneris, is the mater and caus that the Kirk and kirkmen are lychtlyit and contempnit."[1] The provincial council of 1549 acknowledged that very many of the curates of parish churches, or ministers performing the pastoral duties, throughout Scotland, were "very deficient, as well in learning, morals, and discretion, as in other qualifications requisite for that office."[2] A somewhat similar but much more explicit acknowledgment of incompetence was made by the general provincial council convened by Archbishop Hamilton in January 1551–52. After affirming that heresies had at last been checked and apparently almost extinguished in the realm, one of the statutes thus proceeds—

"Considering, moreover, that the inferior clergy of this realm and the prelates have not, for the most part, attained such proficiency in the knowledge of the Holy Scriptures as to be able, by their own efforts, rightly to instruct the people in the Catholic faith and other things necessary to salvation, or to convert the erring: therefore, in order to assist their pious endeavours and stir them to diligence, and to the end that the same true, Catholic and Apostolic faith may, by the exclusion of all kinds of error, be kept intact and uninjured; this present convention decrees and ordains that a certain book, written in our vulgar Scottish tongue, and, after the most elaborate revision, approved by the opinions and votes of

[1] *Acts of Parliament*, ii. 370. *Lychtlyit* = slighted.
[2] Patrick's *Statutes of the Scottish Church*, p. 110.

the most prudent prelates in the whole realm, and of the most learned theologians and other churchmen taking part in the proceedings of the present convention, shall be put into the hands of rectors, vicars, and curates, as much for the instruction of themselves as of the Christian people committed to their care: which book it orders to be called a Catechism."[1]

This book, now known as *Archbishop Hamilton's Catechism*, was to be regularly and systematically read to the people, by the parochial vicars or curates, "vested in surplice and stole, on all Sundays and holy days on which the people are wont and bound to hear mass." The statute not

[1] Patrick's *Statutes of the Scottish Church*, pp. 143, 144.—The Catechism had become so rare that, in 1879, Dr. Laing's copy realised £148 at Sotheby's, though several of the leaves were mended; and at Mr. Scott's sale in 1905 the same copy fetched £141. It was reprinted in fac-simile in 1882, with a valuable Historical Notice by Professor Mitchell; and was also reprinted in 1884, with an excellent Introduction by Dr. T. G. Law. As the title-page bears, it was "set furth be the maist reverend father in God Johne Archbischop of Sanct Androus Legatnait and Primat of the Kirk of Scotland, in his provincial counsale haldin at Edinburgh the xxvi. day of Januarie, the yeir of our Lord 1551, with the advise and counsale of the bischoippis and uthir prelatis with doctours of theologie and canon law of the said realme of Scotland present for the tyme." And the colophon bears that it was "Prentit at Sanct Androus be the command and expensis of the maist reverend father in God Johne Archbischop of Sanct Androus, and Primat of the hail Kirk of Scotland, the xxix. day of August the yeir of our Lord MDLII." In January 1597–98 David Calderwood, having acknowledged that he had received from "umquhill Sir Williame Herbertsone ane auld papist buik of umquhill the Bischop of Sanctandrois catechisme," was ordered by the presbytery of Glasgow to deliver it up to Mr John Bell, one of the ministers of Glasgow, who was to pose him with questions of religion (*Maitland Miscellany*, i. 89). The Edinburgh University Library copy was described in January 1580–81 as "in Inglis," *i.e.* in English (*ibid.* i. 301).

only declares that the clergy were very imperfectly acquainted with the Scriptures, but plainly implies that those on whom the duty devolved were not able to read their own language fluently, for it expressly provides that—

"The said rectors, vicars, or curates must not go up into the pulpit without due preparation, but they must prepare themselves with all zeal and assiduity for the task of reading [in public], by constant, frequent, and daily rehearsal of the lesson to be read, lest they expose themselves to the ridicule of their hearers, when, through want of preparation, they stammer and stumble in mid-course of reading."[1]

In the preface to the *Catechism* itself, it is said that it is to be used and read to the people "'everilk Sonday and principal halydaie" when there is no preacher, until there be "ane sufficient nowmer of Catholyk and abil precheouris, quhilk sal be within few yeiris as we traist in God."[2] It was seven years after this that the queen-regent handed in to the provincial council the articles which had been sent to her by the temporal lords and barons who did not wish to destroy or overturn the Church. In one of the articles it is requested that in future no one should be made a curate or a vicar of a parish church, unless

[1] Patrick's *Statutes of the Scottish Church*, p. 146.

[2] Law's *Catechism of John Hamilton, Archbishop of St. Andrews*, p. 7. *Everilk* = every, *nowmer* = number.

he was "sufficiantly qualifeit to ministar the sacramentis of Halie Kirk," and could "distinctly and plainly reid the Catechisme" and other "directions" of the ordinaries to the people.[1] And so, more than a century after the invention of printing, there were still among the clergy of Scotland men who could not read their own language with ease!

That provincial council, which met in Edinburgh on the very eve of the Reformation, also admitted that those promoted to Church livings were not sufficiently educated; and, in order that the Christian people might "more easily and profitably understand the purpose, efficacy, and use of the sacraments," it resolved to authorise and issue "certain Catholic exhortations," which the priests should read publicly and distinctly before administering the sacraments.[2] Only one of these "exhortations" is known to have been issued. It professes to have been made and set forth by Archbishop Hamilton, with the advice of this provincial council; and was addressed to all vicars, curates, and other consecrated priests, lawful ministers of the sacrament of the altar, to be read and shown by them to the Christian people, when any are to receive "the said blyssit sacrament." This tract of four pages, long supposed to have been entirely lost, was known by the common people,

[1] Robertson's *Statuta Ecclesiæ Scoticanæ*, ii. 147; Patrick's *Statutes of the Scottish Church*, p. 157.

[2] Patrick's *Statutes of the Scottish Church*, p. 175.

not as *Ane Godlie Exhortatioun*, its proper title, but as *The twa-penny Faith*.[1]

The preaching in the pre-Reformation Church was not fitted to counteract the demoralising effect of the scandalous lives of the clergy upon the people.[2] Although one reason given by the provincial council for issuing *Hamilton's Catechism* was that the greater part of the inferior clergy and even the prelates had such an insufficient knowledge of the Scriptures that they were unable "rightly to instruct the people in the Catholic faith and other things necessary to salvation"; yet, according to Quintin Kennedy, the Abbot of Crossraguell, very little knowledge was necessary for the salvation of any man, whether of high degree or low. All that a Christian required to believe was contained in the [Apostles'] Creed; the way to please God, and to behave like a Christian to one's neighbour, was contained in the

[1] This tract was reproduced by David Laing from the only known copy, in 1855, in the *Bannatyne Miscellany*, iii. 317–320. It has since then been reprinted in Robertson's *Statuta*, ii. 177–179; Gordon's *Ecclesiastical Chronicle for Scotland*, i. 295–298; Patrick's *Statutes*, pp. 188–190; and is also appended to Mitchell's edition of *Hamilton's Catechism*.

[2] From such teachers, even when they spoke in their own tongue, the people could not derive much divine truth. Judging from some vernacular homilies which have survived the storms of the Reformation, the preachers could be much more diverting than edifying. The *English Metrical Homilies*, edited by the late Dr. John Small from manuscripts of the early part of the fourteenth century, are supposed to be of Northumbrian origin, and were evidently intended to encourage virtue and repress vice; but the truths and shrewd common sense they contain are overlaid with fanciful interpretations and ridiculous narratives, some of which are calculated to exalt the mercy of the Virgin above that of her Son.

Ten Commandments; and every thing necessary to be desired from God, as suitable for a Christian man in soul and body, was contained in the Lord's Prayer. In Kennedy's words, this might be "ane commoun, familiar, easie way";[1] but the provincial council may have realised that many of the clergy of Scotland were not familiar with the Creed, the Ten Commandments, and the Lord's Prayer. It is quite certain that many of the English clergy were not.

In 1551, that is, in the fifth regnal year of Edward VI., Bishop Hooper—knowing that many of the clergy of the diocese of Gloucester were extremely ignorant, as well as hostile to the Reformation—examined them as to their knowledge of the Ten Commandments, the Apostles' Creed, and the Lord's Prayer. Of the three hundred and seventy-three incumbents, sixty-two were absent, "mostly pluralists who did not reside in the diocese or had been examined elsewhere." Of the three hundred and eleven who were examined, three were able to preach, three were learned, one sufficiently learned (*satis doctus*), one well learned (*bene doctus*), twelve notably learned (nine *insigniter doctus*, and three *insigniter eruditus*). Including these learned men, sixty-five were able to answer satisfactorily on all the three heads; other two were able to

[1] *Ane Compendius Tractiue*, 1558, chap. viii.—There is a beautiful copy of the original edition of this excessively rare pamphlet in the Advocates' Library (H. 36. *a.* 17). It was reprinted, under Dr. Laing's editorial supervision, in the *Miscellany* of the Wodrow Society.

answer satisfactorily regarding the Commandments and the Lord's Prayer, and could repeat the Creed and prove it fairly well (*mediocriter*) from Scripture; another, who gave satisfaction concerning the Creed and the Lord's Prayer, knew the number of the Commandments and the place in Scripture where they occur, and was able to repeat them fairly well; and other twenty-two could answer fairly well on all the heads. Thus, out of three hundred and eleven clergymen, only ninety were able to pass this examination well or fairly well. The examination was by no means a stiff one. (1) As to the Commandments, the examinees were asked to state their number, where they were written, and to repeat them from memory. (2) As to the Creed, they were to say what were the articles of the Christian faith, to recount them from memory, and to corroborate them by the authority of the Scriptures. (3) As to the Lord's Prayer, they were to repeat the petitions from memory, to state how they knew it to be the Lord's, and where it was written. No fewer than a hundred and seventy-one could not repeat the Commandments, thirty-three could not tell the chapter in which they were to be found; ten could not repeat the Lord's Prayer, twenty-seven could not tell who was its author, and thirty could not tell where it was to be found; nine could not repeat the Creed, other five could scarcely do so, and of those who could repeat it (outside the ninety who passed) only five could prove its

articles by Scripture, and two of the five could not prove all the articles. These men were not candidates for the ministry, but were actually in charges, and some of them are known to have been incumbents of their parishes for at least sixteen years.[1] Such pastors were not fit to teach their parishioners Kennedy's "commoun, familiar, easie way" of salvation. The knowledge which many of the Scotch clergy had of the Scriptures was also infinitesimal.

The Bishop of Dunkeld, in chiding Thomas Forret, Vicar of Dollar, for preaching every Sabbath, told him that it was enough when he found "any good epistle or any good gospel" which set forth "the liberty of the holy church," to preach it, and to let the rest alone. To which the vicar replied: "I have read the New Testament and the Old, and all the epistles and the gospels, and among them all I could never find an evil epistle or an evil gospel; but if your lordship will show me the good epistle and the good gospel, and the evil epistle and the evil gospel, then I shall preach the good and omit the evil." The bishop stoutly answered, "I thank God that I never knew what the Old and New Testament was; therefore, Dean Thomas, I will know nothing but my Portuese and my Pontifical." This conversation was first published by John Foxe, but it must have been well known at the time, for the bishop's

[1] *English Historical Review*, xix. 98–121; Hooper's *Later Writings*, Parker Society, pp. xvii. 150, 151.

answer gave rise to the proverb, "Ye are like the Bishop of Dunkeld that knew neither the new law nor the old law."[1] According to George Buchanan such was the general ignorance that many of the priests, offended at the term *New*, contended that it was a book lately written by Martin Luther, and demanded the Old Testament.[2] Archibald Hay's testimony is to some extent corroborative. This type is thus referred to by him—

"He who boasts that he has never come in contact with the New Testament, who plainly teaches by his own example that men should keep away from the Holy Scriptures, who passes his life in the foulest darkness of ignorance, who never even in his dreams thinks of the duty of a good pastor, is considered highly deserving of the biggest income and the sacred title of a churchman."[3]

It had not been always so in Scotland—

"I am deeply grieved when reading again after an interval the most beautiful examples of our ancestors, with which the manners of this age have so little in common. Comparing their diligence with our slothfulness, their steadfastness with our levity, their unwearied labours in good literature

[1] Cattley's *Foxe*, v. 622; Calderwood's *History*, i. 126, 127. *Portuese* = breviary; *Pontifical* = a book containing the rites.

[2] Ruddiman's *Buchanan*, i. 291; Aikman's *Buchanan*, ii. 351.—It has been suggested that some may have contended that the New Testament was written by Luther in order to bring it within the scope of the Act of Parliament which forbade the importation of his books.

[3] *Ad D. Davidem Betoun Card. Panegyricus*, fol. xxxi.

with our thoughtlessness, I cannot but be moved. They by their vigils opened the way for us to the contemplation of heavenly things, we by our slackness have foreclosed it. They searched the Scriptures to ascertain the law of the Lord and impart it to others, we, sunk in the vilest pleasures of the body, stick in the water, as the saying is, and do not honestly behold the face [reflected therein]. They cared not only for the observance of religion but also for its increase, we neglect divine worship and turn aside to trifles."[1]

Writing in February 1542-43, the Regent Arran said that the whole clergy had been so accustomed in bypast time to follow their own lusts and fleshy desires that "thai nevir exertit thaim to knaw the Word of God, nor yit will apply thaim thairto."[2]

Ninian Winzet, "ane Catholike preist borne in Renfrew," in lamenting the overthrow of his Church, thus addresses the bishops and other pastors—

"Your dum doctrine in exalting ceremoneis only, without ony declaration of the samin; and fer mair keiping in silence the trew Word of God necessar to al mannis salvation, and not resisting manifest errours, to the warld is knawin. Quhat part of the trew religion, be your sleuthful dominion and princelie estait is not corruptit or obscurit?"[3]

[1] *Ad D. Davidem Betoun Card. Panegyricus*, fol. xliii.

[2] Bain's *Hamilton Papers*, i. 430.

[3] Winzet's *Certane Tractatis*, Maitland Club, p. 5. *Fer mair* = far more, *quhat* = what, *be* = by.

Sir David Lyndsay therefore was not far amiss when he represented "Spiritualitie" (or the clergy), as replying to the question, "Schir red ye never the New Testament?" by saying—

> "Na, sir, be him that our Lord Jesus sauld,
> I red never the New Testament, nor Auld;
> Nor ever thinks to do, sir, be the Rude;
> I heir freiris say, that reiding dois na gude." [1]

When curates, vicars, rectors, and even dignitaries were so ignorant, what could be expected of the nuns? Of the Scottish nunneries few records have survived, but there are documents enough to show that, latterly at least, education in them was at a very low ebb.

The teinds (or tithes) of the parish of Dun belonged to the nunnery of Elcho. On the 2nd of March 1539–40, a tack (or lease) of these teinds was granted by the prioress and nuns to John Erskine and his son John. The prioress, Eufeme Lesley, was able to sign the tack without assistance; but the other nine nuns were unable to write, and so they had to subscribe with their hands "at the pen." [2]

[1] Laing's *Lyndsay*, ii. 147.

[2] *Miscellany of the Spalding Club*, iv. 34, 35.—In the *Swinton Collection*, in the Register House, there are three original documents (Nos. 108, 109, and 115) signed by the nuns of Elcho, viz. letters of tack on 8th July 1532, a discharge on 31st July 1532, and a precept of sasine on 12th September 1539. The first is signed by "Eufem priores with our hand"; but the other ten nuns were unable to write ("*nescien. scribere*"), and so the notary subscribed for them. In the second all the eleven names were avowedly written by "Eufem priores." The signatures to the third are in two columns. The first is headed by "Eufem Lesley priores with our

On the following day, 3rd March 1539–40, the chaplain of the altar of the holy cross, in the church of the nunnery of North Berwick, granted a charter of three crofts of land to Alexander Hume, with consent and assent of the prioress and convent. It was necessary that these ladies should sign the charter; but of the whole eighteen, from the prioress downwards, not one of them could write her own name, and so after each name the suggestive words are added—"with our hand at the pene."[1] Again, on the 12th of August 1544, the prioress and the prioress-elect granted a charter of the two mills of North Berwick and certain lands to Alexander Hume; and, although at this time there were twenty-two nuns, not one could sign her name. After the name of the prioress are the words, "wyth my hand at the pen"; and the same words are repeated after the name of the prioress-elect; but the notary evidently grudged the trouble of writing these six words after each of the other names, and so, after putting down the twenty in a column, he drew a big bracket and then wrote, "wyth all our handis leid at the pen."[2]

On the 14th of October 1560, that is seven

hand." Then follows "Dame Caterne Lundoris with my hand." Other nine sisters subscribe "with our handis on the pen led be Sir Walter Ramsa notar." Notwithstanding the three words after the name of Dame Lundoris, her signature is not autograph. It is in the same hand as the other nine. The three words should have been followed by other three—"at the pen."

[1] *Carte Monialium de Northberwic*, Bannatyne Club, pp. 55–57.

[2] *Ibid.* pp. 59, 60.

weeks after the Scottish Parliament had abolished the pope's jurisdiction, the prioress of the nunnery at Haddington, with consent of the convent, granted a charter of feu-farm to Patrick Home. Neither the prioress nor any of the nine subscribing nuns was able to write, and therefore by their command the notary appended their names.[1] A deed, dated at that monastery, 20th October 1567, and conveying convent lands to William Maitland, younger, of Lethington, Queen Mary's secretary, is signed by the prioress "with my hand att the pen led by the notare underwritten because I cannot writt myself," and the other five subscribing nuns had to receive similar help.[2]

These three nunneries—at Elcho, North Berwick, and Haddington—belonged to the Cistercian Order. Barely eight years after the prioress and nuns of Elcho had granted a tack of the teinds of Dun to the Erskines, the English commander, who held Broughty Castle and was fortifying Dundee, despatched a force "to burn a nunnery within two miles of St. Johnston [*i.e.* Perth]; who brought away all the nuns and many gentlemen's daughters at school with them."[3] The nunnery

[1] Anderson's *Calendar of the Laing Charters*, 1899, No. 722.

[2] *Liber Conventus S. Katherine Senensis*, p. 70.—The prioress, Dame Isabel Hepburn, married Andrew Schetholme. She and her husband were alive in 1588 (*ibid.* p. 65).

[3] Bain's *Calendar of State Papers relating to Scotland and Mary Queen of Scots*, i. 56.—The burning was carried out about the end of December 1547. The nuns were not detained by the English as permanent prisoners. There are several other documents signed by them between September 1554 and September 1559; but up to the last their education does not seem to have been improved, for, with the exception of the prioress, they

so burned was that of Elcho. One naturally wonders what the gentlemen's daughters can have been taught in a nunnery of which none of the nuns save the prioress could write her own name.

The nuns of St. Catherine of Sienna—"the systeris of the Schenis"—praised by Sir David Lyndsay for their chastity, being "yit unthrall to Dame Sensuall,"[1] were not nearly so illiterate as the Cistercians. On the 15th of February 1562–63, that is two and a half years after the papal power was abolished in Scotland by Parliament, the prioress and three of the sisters were able to sign a charter personally, while two of them required to have the pen led by a notary.[2]

were still unable to write their names without assistance—"with our handis at the pen, led be Schir Jhone Lamb, at our command"; "with our handis at the pen, led be James Nicolson, notar, at our command" (Sir William Fraser's *Memorials of the Family of Wemyss of Wemyss*, ii. 188–197, 289, 290, 294–296).

[1] Laing's *Lyndsay*, i. 94, 95.—"At the age of seven, Catharine, who must have been a very precocious young lady, took upon herself vows of chastity." Before fifteen "she wore a very rough haircloth, and a large iron girdle, armed with sharp points, lay on the ground and watched much." She resolved to discard female attire, don the garments of the male sex, and take up her abode in a Dominican monastery; but, having been dissuaded from this course, she, in 1365, received the habit of the third Order of St. Dominic, in a nunnery contiguous to the Dominican's convent (*Liber Conventus S. Katherine Senensis prope Edinburgum*, pp. viii., ix.; Alban Butler's *Lives*, edited by Husenbeth, i. 518, 519). St. Theodora is credited with having lived in a monastery in male attire, and with having endured seven years' penance as the *father* of a child (Metcalfe's *Legends of the Saints*, Scottish Text Society, iii. 337).

[2] *Liber Conventus S. Katherine Senensis prope Edinburgum*, p. 55.—The sisters were no doubt scattered by this time; but so late as the 16th of May 1565, there were still eighteen of them alive, "the maist parte thairof aigeit and decrepit" (*Historical MSS. Commission*, *Fourteenth Report*, Appendix iii. p. 30). Jane Halyburton, one of those who could sig n her own name, married Patrick Ogill (*ibid.* p. 46).

This convent, on the Burghmuir of Edinburgh, was among the last, perhaps the very last, of the nunneries founded in Scotland before the Reformation.[1]

Grosseteste was by no means the only churchman of his period who had a wonderful knowledge of, and profound reverence for, the Scriptures;[2] but in these earlier centuries, as in later ones, reverence and knowledge did not always go hand in hand. A striking example of early fourteenth century irreverence, coupled with an intimate knowledge of the Bible, is furnished in the impious skit, entitled *Passio Scotorum Perjuratorum*, which the late Lord Bute fitly characterised as "a piece of sustained and cold-blooded profanity."[3] The attitude of the more cultured and gifted clergy, in the reign of James IV., towards the solemn services of the Church was very far from being respectful, if William Dunbar may be taken

[1] In a list of Scotch nunneries drawn up in 1510, only thirteen are enumerated, and one founded at Newcastle by David I. (Goodall's *Fordun*, ii. 541, 542). In Spottiswood's *Account of Religious Houses*, twenty-three are named; but this number includes the one at Newcastle, and one in Cumberland founded by David I., and also one at Lincluden, which was "changed by Archibald the Grim, Earl of Douglas and Lord of Galloway, into a college or provostry, because of the lewd and scandalous lives of the nuns" (Keith's *Catalogue*, 1755, pp. 279–284; 1824, pp. 458–465). When the abbot general of the Cistercian Order authorised a small commission for the reformation and visitation of that order in Scotland, in 1516, it had eighteen houses in the realm, eleven of monks and seven of nuns (*Registrum Secreti Sigilli Regum Scotorum*, i., No. 2833). There was no nunnery in Scotland after the Reformation until 1832, when St. Margaret's Convent, Edinburgh, was founded (Hunter Blair's *Bellesheim*, iv. 281).

[2] Stevenson's *Robert Grosseteste*, 1899, pp. 33, 34.

[3] *Proceedings of the Society of Antiquaries of Scotland*, xix. 166–192.

as a specimen.[1] In the fifteenth century it was necessary to admonish the clergy of Aberdeen to behave with gravity in the choir, neither indulging in conversation nor in reading letters or other writings.[2] Irreverence seems to have been a common failing of the clergy, for, in Archbishop Hamilton's *Godly Exhortatioun* (or *Twa-penny Faith*), the vicars, curates, and other priests, employed "in the ministratioun of the blyssit sacrament of the altare," are straitly charged to minister that sacrament "mair godlie, mair honestlie, and with gretare reverence," than they were wont to do. Irreverent priests could hardly expect to have reverent flocks, and so in the same *Exhortatioun*, the vicars, curates, and other

[1] Dunbar reflected the morals and irreverence of his age. Of him David Irving has said: "Some of his strains are highly reprehensible; his compositions are occasionally tinctured with expressions which we cannot but regard as grossly indecent and profane; one of his addresses to the queen is such as might offend a modern courtezan; the more solemn observances of the Church he has converted into topics of ridicule; the litanies are burlesqued in a parody which is not easily to be paralleled for its profanity" (Irving's *History of Scotish Poetry*, 1861, pp. 229, 230). Lord Hailes described the *Dirige to the King* as "a lewd and profane parody of the litanies of the Church of Rome," of the irreligious strain of which Protestants cannot be fully sensible, and which no poet durst have addressed to the king had he retained the least appearance of devotion (*Ancient Scottish Poems*, 1770, pp. 243, 244). Professor Schipper had evidently Lord Hailes in his mind, when he said that the *Dirige* had unjustly given much offence to some of the older English editors of Dunbar's poems, because it was a parody on the litanies of the Roman Church, "whereas his contemporaries, churchmen included, in all probability found no harm in it, but rather relished the excellent wit and humour" (*The Poems of William Dunbar*, Vienna, 1894, p. 40). So much the worse for his contemporary churchmen!

[2] *Registrum Episcopatus Aberdonensis*, Spalding Club, ii. 62.

priests, are commanded not to "thole" their parishioners to come to this sacrament misorderly, but to put them in order before the altar, and to require them to hear the *Exhortatioun* read, without noise or din, and to sit still in devotion, with devout heart and mind, until they were orderly served "of the saide blyssit sacrament."[1] In the list of sins and vices, which Hamilton's *Catechism* declares to have been most common "on the Sunday," are included "carreling and wanton synging in the kirk"; and it is explained that those break the holy day, who, being "in the kirk in the tyme of Goddis word or service, occupeis thame self in vaine, evil or ony warldly talking, lauchhing, scorning, or ony siclik doingis."[2]

Reverence was not fostered by pageants and miracle-plays,[3] nor by such diversions as the Boy Bishop and Abbot of Misrule, which under various names had their counterparts in different countries. The Boy Bishop held sway from 6th December (St. Nicholas' day) until 28th December (Childermas or Holy Innocents' day[4]), when he brought the profane pantomime to a close by preaching a sermon. James IV. "was visited yearly by two boy-bishops, one from the collegiate church of

[1] Patrick's *Statutes*, p. 190. [2] T. G. Law's edition, pp. 68, 69.

[3] In a play of the Flood, Noah's wife swore that she would not enter the ark; and Noah, in reproving her, swore by St. John (Hone's *Ancient Mysteries Described*, 1823, p. 202).

[4] In St. Salvator's College, St. Andrews, there was "a mytyr for St. Innocentis bishop" (*Maitland Miscellany*, iii. 199).

St. Giles of Edinburgh — 'the Sanct Nicholas bischop of the toune'—the other from the abbey church of Holyrood. His gift to them varied from 36s. to 48s.; on one occasion it was £3, 12s." The "deblatis," or attendant imps, received from 18s. to 20s.[1] The Scotch Abbot of Unreason seems to have resembled the English Lord or Abbot of Misrule. The clergy of Scotland may not have gone so far astray as their French brethren in the fifteenth century, who, having created a bishop, archbishop, or pope of fools, "went about masked, with monstrous aspects, or disguised in the appearance of women, of lions, or of players, danced, and in their dancing sung indecent songs," ate fat viands near the altar, hard by the priest celebrating mass, played at dice in the same place, and as incense burned leather of old shoes.[2] In 1496 the sum of £10 was paid to "Gilberte Brade, be ane precept of the kingis, for spilling of his hous in Striuiling be the Abbot of Unresoun"; and next year "the Abbot of Unresone" received £5, 8s.

[1] *Accounts of the Lord High Treasurer of Scotland*, i. pp. ccxlvi., ccxlvii.—"On St. Nicholas Day, in all the collegiate churches, it was customary for them to elect a boy-bishop, who was arrayed in episcopal vestments, performed all the ceremonies and offices proper to a bishop, and had his officers habited like priests. . . . In the inventory of York Cathedral there is an entry of a small mitre, adorned with precious stones, for the boy-bishop. If the boy-bishop died during his tenure of office he was buried with all the honours pertaining to a real bishop, and there is at Salisbury the tomb with the sculptured effigy of a boy-bishop in pontificals" (*Proceedings of the Society of Antiquaries of Scotland*, xi. 77). *Cf.* Brand's *Popular Antiquities*, Bohn's edition, i. 421–431.

[2] Jamieson's *Scottish Dictionary*, sub *Abbot of Unressoun*.

"for his reward, at the kingis command."[1] In Aberdeen, the Abbot of Unreason was known as the Abbot of Bon-Accord. It was under his direction, as master of the civic revels, that the play of the "Haliblude" was acted on the Windmill-hill in 1440. No description of the entertainment is known to exist, but it is supposed to have been "a rude representation of the Last Supper." Such plays were popular in Aberdeen till the middle of the sixteenth century. Dramatic pageants also took place on such feasts as Candlemas, Corpus Christi, and St. Nicholas, when the craftsmen marched under the banners of their respective trades; and "behind all was carried the Host, with its customary train of ecclesiastics." In these revels there was a Prior of Bon-Accord, as well as an Abbot; and in 1508 their titles were changed to Robin Hood and Little John.[2] In 1539, the bailies and others of Haddington agreed that he who was chosen Abbot of Unreason for the year should receive £4 and a burgess-ship; and that those who refused to accept the office were to pay forty shillings each, the first forty to be given to him who did accept. The craftsmen there had also pageants on Corpus Christi.[3] And clerk plays, or mysteries, are known to have been popular in

[1] *Accounts of the Lord High Treasurer of Scotland*, i. 270, 327.

[2] Joseph Robertson's *Book of Bon-Accord*, 1839, pp. 234–244; *Extracts from the Council Registers of Aberdeen*, 1398–1570, pp. xxi.–xxiv.

[3] *Proceedings of the Society of Antiquaries of Scotland*, ii. 398, 399.

Haddington;[1] as apparently the Corpus Christi was in Lanark.[2]

In other towns, as well as in Aberdeen, the Abbot and Prior of Unreason took the name of Robin Hood and Little John. In Peebles the leader was known in 1472 as the "Abbot of Unrest"; and in 1555 as "my Lord Robene Hude."[3] So obnoxious did these revels become that in 1555, a year after Mary of Guise became Regent of Scotland, Parliament sternly prohibited, in all times coming, the choosing of any person to be Robin Hood, Little John, Abbot of Unreason, or Queen of May, either in burgh or landward.[4] Sir Walter Scott, who depicted the doings of an Abbot of Unreason, deemed it strange that a Church, which studied how to render its rites imposing and magnificent by pomp, music, architecture, and external display, should have connived at such frolics. The indifference of the clergy to these indecent exhibitions could only be compared, he thought, to the singular apathy with which they endured, and often admired, the gross novels which Chaucer, Boccaccio, Bandello, and others, com-

[1] In his last sermon George Wishart said: "I have heard of thee, Hadingtoun, that in thee wold have bein at ane vane clerk play two or three thowsand people; and now to hear the messinger of the eternall God, of all thy toune nor parishe can not be nombred a hundreth personis" (Laing's *Knox*, i. 138).

[2] *Extracts from the Records of the Burgh of Lanark*, 1893, pp. 7, 14, 16-18.

[3] *Charters and Documents relating to the Burgh of Peebles*, pp. 167, 212.

[4] *Acts of the Parliaments of Scotland*, ii. 500.

posed upon the bad morals of the clergy. It seemed to him as if the churchmen had endeavoured to compromise with the laity, in allowing them occasionally "to gratify their coarse humour by indecent satire, provided they would abstain from any grave question concerning the foundation of the doctrines on which was erected such an immense fabric of ecclesiastical power."[1]

Irreverence easily developed into profanity, and grievous and abominable oaths, curses, and blasphemies became so common among all classes of the community that Parliament, in February 1551–52, endeavoured to suppress the evil and perilous custom by imposing a graduated scale of penalties. The highest class of offenders is headed by "ane prelate of Kirk," the second class includes "a beneficit man constitute in dignite ecclesiastick," and in the third class, with landed men and burgesses, were the "small beneficit men."[2]

When the time of final conflict arrived, it was found that there was little vital energy in priests ignorant, irreverent and profane.

[1] *The Abbot*, note E.

[2] *Acts of the Parliaments of Scotland*, ii. 485.—Evil customs are difficult to eradicate. This Act was ratified and approved in 1581 (*ibid.* iii. 212).

IV

SECONDARY CAUSES—THE CONFERRING OF BENEFICES

Not the least notable or least detrimental of the abuses in the unreformed Scottish Church, and one from which others sprang, was the conferring of benefices on men, who not only had no heart in their work, but were otherwise unfit; who were wicked or ignorant or under age, or not even in orders. Mere boys filled, at least nominally, important and lucrative ecclesiastical offices. A lay patron might present one to a benefice who was unqualified or unfit; but a conscientious bishop would not give him collation. Too many of the bishops, however, were not conscientious; and, unfortunately, not only had such men the right of collation, but as bishops they were the patrons of many benefices, and these they could and did confer on men who were altogether unworthy. Moreover, according to the *Regiam Majestatem*, if a lay patron failed to present a suitable person to a vacant benefice within four

months, the bishop could exercise the patron's right.[1]

The king was lay patron of many benefices. He also claimed the right of presenting to all the vacant benefices of a see while it was vacant;[2] and, in 1481, Parliament ordained that a see should be considered vacant until the new bishop caused the pope's bulls of provision in his favour to be exhibited to the king and chapter.[3] This right of the king to present or dispone during the vacancy of a see was declared by Parliament, in 1481, to be a "privilege of the Croun usit and observit in all tymes bigane"; and, in 1493, to be one of "the privilegeis of the Kirk of Scotland," granted by popes to the king's predecessors and to his realm.[4] The right had been disputed by the papal court; but was affirmed by a provincial council at Perth in 1457, and by another in 1459.[5] And, in March 1481–82, Parliament ordained that the penalties for transgressing this privilege should be extended to all who acted as procurators for, or helped with money, those who laboured against it; and that those who purchased a commission from the See of Rome to be provided to a vacant benefice during the vacancy of a bishopric should incur the same pains.[6]

[1] *Acts of the Parliaments of Scotland*, i. 602. [2] *Ibid.* ii. 38, 62.
[3] *Ibid.* ii. 133.
[4] *Ibid.* ii. 133, 232.—*To dispone* is a legal term, meaning to make over or convey, but was also used in a general sense.
[5] Robertson's *Statuta*, i. pp. cvii., cviii.; Patrick's *Statutes*, pp. 82, 83.
[6] *Acts of Parliament*, ii. 141.

The interference with the exercise of the king's right was not the only encroachment on Scottish privileges by the Court of Rome which Parliament tried to combat. Considering the great damage that was daily done to the realm by clerics, religious and secular,[1] purchasing abbacies and other benefices at the Court of Rome, through which "innowmerable riches" were taken out of the kingdom, the lords, in 1471, deemed it expedient that abbacies and other benefices which were "never at the Court of Rome of befor" should not be purchased by any secular or religious person, but should be settled by free election according to use and wont; and that henceforth no more benefices should be united to bishoprics, abbacies, or priories; and that any of the lieges attempting the contrary should be treated as traitors.[2]

It was not easy to enforce such Acts, as the clergy, ambitious of promotion, found ways and

[1] Monks, canons and friars were called *regulars*, because they lived in monasteries or convents under the *regula* or rule of one or other of the religious orders; and so much importance was attached to their vows that they were emphatically known as *the religious*. All the other clergy from the dignitaries downwards were known as *seculars*.

[2] *Acts of Parliament*, ii. 99.—The abbey of "Paisley had its thirty parish churches; Holyrood, twenty-seven; Melrose and Kelso, each as many; and to such an extent did this prevail that in some districts two-thirds of the parish churches were in the hands of the monks" (Cosmo Innes' *Scotland in the Middle Ages*, 1860, p. 132). The monasteries were entitled to the great tithes of these parishes, while the vicars who served the cures received the small tithes. Even in the thirteenth century the parochial revenues were to a great extent diverted to the support of the monasteries, and small payments allowed to the vicars or working parish clergy (*Proceedings of the Society of Antiquaries of Scotland*, xlii. 42).

means to push their applications at the venal Court of Rome; and so, in 1488, another Act almost the same was passed;[1] and, in 1493, it was resolved that all benefices that now passed to Rome should in future be "disponit" within the realm, by election or otherwise, as in the time of James I., under pain of proscription and banishment, and incapacity to enjoy honour, dignity or benefice in Scotland.[2] Again, in 1496, Parliament passed a stringent Act for eschewing the "skaith" that the king, realm, and lieges daily sustained through "the exhorbitant coistis and expensis" of the clergy in impetrating and purchasing, at the Court of Rome, benefices, elective and others, contrary to Acts of Parliament and to faculties and privileges granted to the Crown by the Court of Rome, and also "in purchasing and inbringing of novelteis and innovatiouns in the Kirk" without the advice of the king, utterly plundering and "destituting" the realm of all money, and depriving the king and other patrons of their rights in disponing benefices.[3]

In February 1524–25, when James V. was barely thirteen years old, Parliament resolved that six or eight lords should be chosen, with the advice of the Three Estates, for disponing all

[1] *Acts of Parliament*, ii. 209.

[2] *Ibid.* ii. 232.

[3] *Ibid.* ii. 238.—In 1525 Parliament ordained that all Acts and Statutes against purchasing benefices at the Court of Rome contrary to the king's authority should be observed in future (*ibid.* ii. 294). Licences were sometimes given, however, to break these Acts (*Appendix F*).

bishoprics, abbacies, priories, and all other elective benefices, the queen-mother, Margaret Tudor, "being alwayis principale with thame and od persoun." Benefices not elective, under £1000, were to be at her disposal.[1] In November 1526, Parliament affirmed that the nomination to bishoprics and abbacies pertained to the king, and the provision to "our haly fader the paip," and that, nevertheless, evil disposed persons in troublous times had seized, without the king's permission, bishops' castles and palaces, when bishoprics became vacant, and had likewise entered into abbeys and put them into the keeping of secular men, not only without the king's consent, but without the advice or desire of the chapters, "in hie displesour of God Almychty, our haly fader the paip, and contempcioun of our soverane lordis auctorite." Parliament, therefore, prohibited the seizing of bishops' castles or strengths or abbeys, without the king's authority, whether the bishoprics or abbacies were vacant or not, under pain of losing life, lands, heritages, goods, honours, and offices.[2]

In the unholy scramble for bishoprics and abbacies, there had indeed been grave and scandalous disorders. Writing from Perth in January 1514-15, Sir James Inglis reported that every man who liked took up abbacies without waiting till they became vacant. And Dr.

[1] *Acts of the Parliaments of Scotland*, ii. 289.
[2] *Ibid.* ii. 309, 310.

Magnus, writing from Kirkoswald about the same time, explained that abbots and priors did not obtain their offices by any ordinary process; but by the might, strength, and power of their temporal friends and kinsmen in the elections; and that in some places they were deposed after the same manner.[1] In this matter some of the leading dignitaries of the Church set a bad example. By the death of the youthful Alexander Stewart at Flodden, the archbishopric of St. Andrews and several commendatorships were thrown open. It was proposed that the good Bishop Elphinstone should be made Archbishop of St. Andrews;[2] and, in the name of the infant king, the pope (Leo x.) was implored to transfer him to the primatial see.[3] The worthy old man, content with Aberdeen, is said to have steadfastly

[1] Lorimer's *Patrick Hamilton*, 1857, pp. 253, 254.

[2] *Epistolæ Regum Scotorum*, 1722, i. 184, 185.

[3] *Ibid.* i. 199; Small's *Gavin Douglas*, 1874, i. p. xv.—In this letter Leo was informed that, in appointing to vacancies in cathedrals and abbeys, the Roman pontiffs had granted a delay of eight months to the kings of Scotland, so that suitable men and faithful to the sovereign might be selected; that the pontiffs were to confer and promote to sees and benefices exceeding in value 200 ducats according to the royal request; and that now, as prelates and abbots were the chief counsellors, enjoyed the highest offices of the government, and had the greatest weight in deliberations on affairs of state, it was desirable that sees and benefices becoming vacant should be conferred on persons selected by the Crown. The names of those suitable for the vacancies then existing were given. Parliament had referred, in 1493, to the "papis halynes" having graciously granted to "abyde the kingis writting and commendatioun, anent the dispositioun and promotioun of all beneficis elective or utheris prelaceis, for the space of aucht monethis, as the bull under the leid therupoun proportis" (*Acts of Parliament*, ii. 232).

refused the honour;[1] but that is hardly correct, although he may not have been at all eager for it.[2] There were others, however, less pious, less modest, more aspiring; and ere long there were four competitors in the field—James Betoun, Archbishop of Glasgow; Andrew Forman, Bishop of Moray; John Hepburn, Prior of the Augustinian monastery in St. Andrews; and Gavin Douglas, Provost of the collegiate church of St. Giles. The last three struggled keenly for the prize. Gavin Douglas took possession of the archiepiscopal palace, the castle of St. Andrews. He was supported by the queen-mother who, eleven months after the death of James IV., had married the Earl of Angus, Gavin's nephew.[3] John Hepburn, having induced the chapter to elect him, besieged the castle, and, having won it, held it in spite of the Earl of Angus and his men. Andrew Forman, however, obtained the archbishopric from the pope, and also the abbeys of Dunfermline and Arbroath. When charged before the lords of council with having acted against the privilege granted by the pope to the king and his successors —in purchasing by sinister information made to his holiness, most of the benefices rendered vacant by the battle of Flodden—his brother protested in his name that he had purchased these benefices, "so that he, as a Scotsman, should bruik them

[1] *Boetii Murthlacensium et Aberdonensium Episcoporum Vitæ*, 1894, pp. 105, 106

[2] *Appendix G.* [3] *Infra*, p. 495.

rather than Italians should impetrat the same." Leo had intended to put Cardinal Cibo, one of his own nephews, into the archbishopric. It was with great difficulty that the bulls in Forman's favour were published in Scotland. Even then Hepburn would not forgo his claim; and the sordid nature of the ecclesiastics was manifested in the division of benefices by which peace was finally patched up.[1]

The correspondence of James v. with the Court of Rome is peculiarly instructive, and strikingly illustrates the condition of the Church at that time, and the way in which benefices were obtained. When he was barely twenty-one years of age, he sent this extraordinary letter to Clement vii. :—

"To our Most Holy Lord the Pope.

"Most Blessed Father! Devoted obedience at the kissing of your blessed feet! That remarkable clemency whose name was given to you by Providence in its knowledge of future events, as may even be shown from the events themselves, renders it impossible for anything at all to be so secret or concealed that I would not venture, your holiness, to divulge and disclose it next, that is, after God the best and greatest, the Creator of all things, to one who is on earth both the father of men and the vicar of Heaven, and who is to be trusted with the most hidden matters. Therefore, seeing that we have three sons begotten in unlawful bed, and two of them are of free parents on both sides, but

[1] Spottiswoode's *History*, Spot. Soc. ed., i. 122, 123; Lorimer's *Hamilton*, pp. 16-21; Small's *Gavin Douglas*, i. pp. xiii.–xxxiv.; *Venetian Calendar*, 1509–1519, p. 145; Herkless and Hannay's *Archbishops of St. Andrews*, ii. 82–160. *Bruik* = enjoy.

the third is of a free father only, I am compelled to confess my own special fault before your holiness (although, indeed, it might be attributed, not unjustly, to the compliance of youth);[1] and I acknowledge the error of human frailty. But that natural and fatherly affection, common to all creatures, which is implanted by nature, impels every man to consult the interests of his children, and provide for them not otherwise than for himself. For, to be a father and not be moved by care for one's offspring savours at once of ingratitude and inhumanity. On that account we beg, with these same sons of ours—by the clemency and kindness that we have hitherto experienced from your holiness in every matter—for a dispensation by the grace of apostolic authority that, notwithstanding the foresaid defect of their birth, yet when their lawful ages enable them they may be duly eligible for promotion to all higher ecclesiastical orders and presbyterates, without regard to the times prescribed by the laws. And from now, that notwithstanding their minority and the defect of their birth, they may, after they shall have been duly invested with the clerical character, be capable of holding till they are of mature years any, and any number and kind of, priesthoods, secular or regular, of any order, titular or commendatory, [to the extent of] even two, three, four, or more incompatible posts;[2] also the higher dignities after pontifical offices in cathedral and metropolitan churches, and the first places in collegiate churches; likewise to be heads of monasteries, abbeys, and convents,

[1] In the Latin *innuente* seems to be an error for *iuuente*.

[2] *Incompatible posts*, see footnote, p. 128.

coadjutors however being appointed as their deputies. And may your holiness favour us with an indulgence, that hereafter it be not necessary for any of them in obtaining apostolic places to set forth the defect of their birth, and that surreptitious letters may not appear to have been obtained on that account. And lastly, may your holiness grant that, when they shall have reached the twentieth year of their age, they may be capable of being lawfully promoted to dignities archiepiscopal, primatial, and episcopal. For this, however great a stretch of your clemency it may be, and it is certainly great, we nevertheless expect will be granted by Clement, to whose holiness we wish the years of Nestor. From our castle of Stirling, the 26th day of the month of February, in the year of our Lord's incarnation, 1532.

"Your said holiness' devoted son the King of Scots, JAMES R."[1]

James may have been encouraged thus to address Clement by a knowledge of the fact that he was an illegitimate son, although he is said to have been a better man than any pope who had preceded him for a century. He was not only endowed with extensive information, extraordinary acuteness, and extreme sagacity, but his personal conduct, says Ranke, was remarkable for the blameless rectitude and moderation of its tenor.[2]

[1] The letter in Latin, printed from the original, is in Theiner's *Vetera Monumenta Hibernorum et Scotorum*, Rome, 1864, p. 599.

[2] *History of the Popes*, Bohn's ed., i. 74, 75.

James did not ask in vain, though he seems to have asked more than once before he obtained his desire. The dispensation granted by Clement, and dated at St. Peter's 30th August 1534, is thus summarised—

"This document narrates that James the elder and James the younger, and John and Robert Stewart are 'scholares' of the diocese of St. Andrews; that James the elder is in his fifth, and James the younger and John in their third year, and Robert in the first year of his age, and because they suffer the defect of having been begotten by the king out of wedlock, the pope, on the king's desire that they should be enlisted in the spiritual army, dispenses with the defect of their birth, permits them when they shall have reached their sixth year to receive the tonsure (*clericali caractere insigniri*), on their coming to be eighteen years of age to be capable of further preferment, on attaining their twenty-third year to be capable of presiding over metropolitan and other cathedral churches, and on their lawful age to be promoted to all holy and priestly orders, with other details as to the offices they might hold before they reached their tenth year."[1]

The impatient infants had not long to wait. On the 1st of April 1535, the king received letters from the Cardinal of Ravenna, with apostolic letters commending James Stewart to the monastery of Kelso. Having heard that the cardinal had

[1] *Historical MSS. Commission, Sixth Report*, appendix, p. 670.—Clement VII. died in September 1534, and was succeeded by Paul III.

experienced difficulty in obtaining these apostolic letters, the king wrote thanking him.[1] If, as the dispensation states, the elder James was in his fifth year in August 1534, he could only have been in his sixth year when he became Commendator of the important abbey of Kelso.

On the 14th of June 1538, the pope appointed Patrick Hepburn, Prior of the metropolitan church of St. Andrews, to the bishopric of Moray, and decreed that the priory of St. Andrews should be vacant.[2] This vacancy was evidently created to provide a place for the younger James (afterwards the Regent Murray), for, on the 5th of June 1540, the king wrote to the pope, Paul III., stating that, nearly two years ago, his natural son James had obtained *in commendam* a priory of canons regular in St. Andrews diocese; and his other son Robert, shortly afterwards, the monastery of Holyrood, of the same order and in the same diocese; and that he had, by virtue of letters apostolic, appointed the Abbot of Cambuskenneth administrator of both.[3] The younger James there-

[1] *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII.*, vol. viii., No. 465.—Maziere Brady (*Episcopal Succession*, i. 168, 169) erroneously supposes that the child did not get Kelso until 22nd August 1541.

[2] Maziere Brady's *Episcopal Succession*, i. 137.—Patrick Hepburn obtained the commendatorship of Scone Abbey on the same day (*ibid.* p. 209). In the *Letters and Papers of the Reign of Henry VIII.* (vol. xiii. part i., No. 1188) Patrick *Hepburnus* appears as Patrick *Neptunus*, his diocese is given as *Maionensis* instead of *Moraviensis*, and his predecessor, Alexander *Stewart*, appears as Alex. *Staureth.*

[3] *Letters and Papers of the Reign of Henry VIII.*, vol. xv., No. 753; *Epistolæ Regum Scotorum*, ii. 72, 73.—The king wrote this letter to the

fore became Commendator of St. Andrews Priory in his seventh year; and Robert became Commendator of Holyrood in his fifth year, or rather sixth, as his appointment would not precede the promotion of Robert Cairncross from Holyrood to the see of Ross on 28th April 1539.[1]

Though he had now obtained Kelso, St. Andrews, and Holyrood for these three little boys, the king was not yet satisfied. He accordingly wrote to the pope on the 5th of April 1541, stating that he had nominated Robert [Reid], Abbot of Kinloss, to the vacant bishopric of Orkney; but desiring that a pension of eight hundred merks out of the fruits should be assigned, by the pope's authority, to John Stewart, his natural son, now in his seventh year.[2] A similar letter was sent to the

pope, because Alexander Myln, the Abbot of Cambuskenneth, as administrator of St. Andrews Priory and Holyrood Abbey, refused to renew leases for nineteen years, on the plea that he was administrator for commendators who were minors and could not alienate immoveable property. The king now requested the pope to send a faculty for doing so.

[1] The king had sent two letters to the pope on the 15th of December 1538, recommending him to promote Cairncross from the abbacy of Holyrood to the see of Ross vacant by the death of James Hay, and desiring that Holyrood might be given *in commendam* to his natural son Robert Stewart, then in his fifth year; and asking credence for James Salmond (Theiner's *Vetera Monumenta*, pp. 610, 611). Next day he wrote to Cardinal Ghinucci, thanking him for his diligence in his affairs, and requesting him to favour James Salmond, to whom he had entrusted certain business in Rome (*Letters and Papers of the Reign of Henry VIII.*, vol. xiii. part ii., No. 1082). As Salmond paid 600 golden florins, as proctor for Cairncross, on 28th April 1539 (Maziere Brady's *Episcopal Succession*, i. 145), the business he was entrusted with at Rome was, no doubt, the promotion of the abbot and the appointment of the commendator.

[2] *Letters and Papers of the Reign of Henry VIII.*, vol. xvi., No. 690.

Cardinal of Carpi.[1] This desire was also granted, the bulls in Reid's favour being dated 20th July 1541; and, on the 3rd of September, James Salmond paid the two hundred golden florins for him.[2] Without waiting for Reid's provision to pass the bulls, the king had again written to the pope, wishing that Andrew Durie, Abbot of Melrose, might have the vacant bishopric of Whithorn (Candida Casa), and that James Stewart (already Abbot of Kelso), might have Melrose too, *in commendam*, paying a pension of a thousand merks to Durie. On the same day, the 3rd of July 1541, he wrote another letter to the pope, asking that Dundrennan Abbey, vacant by the death of its commendator, should be given to Adam, Commendator of Coldingham, *in commendam*; and that Coldingham, which he would resign, should be given to James's natural son, John Stewart, *in perpetuam commendam*. The king also suggested that the rents would be increased and the monasteries benefited, if the pope granted to the future administrators (usually added when commendators were as young as his sons John and James) power to lease tithes and lands for nineteen years or *in perpetuam emphiteosim*.[3] On the 22nd of next month the pope provided Durie to Whithorn; and James, natural son of the king, now said to be in his fourteenth year, to the

[1] *Epistolæ Regum Scotorum*, ii. 114, 115.

[2] Maziere Brady's *Episcopal Succession*, i. 151, 152.—Here the pension to the child is given as eighty merks.

[3] *Letters and Papers of Henry VIII.*, vol. xvi., Nos. 963, 964.

abbey of Melrose, which he was to hold with Kelso. The annual pension of a thousand merks was reserved from the fruits of Melrose to Durie. Salmond did not pay the nineteen hundred and eighty golden florins in name of the new Abbot of Melrose until the 3rd of June 1542,[1] the reason for the delay being that the king thought that he was grossly overcharged.[2] In due time John Stewart obtained Coldingham Priory; and Adam Stewart, another bastard of the king, became Prior of the Charter House at Perth.[3]

Though James v. looked so well after the advancement of his own illegitimate children in the spiritual army, he, as a king and true son of the Church, had some sense of propriety as to what was right in the case of others. In March 1534–35 he wrote to Paul III. revoking the licence

[1] Maziere Brady's *Episcopal Succession*, i. 199, 200.—In *Letters and Papers of Henry VIII.* (vol. xvi., No. 1112) the 23rd, not the 22nd, of August 1541 is given as the date when the pope in consistory provided Durie to Whithorn, and James Stewart to Melrose.

[2] On the 5th of November 1541, the king, in thanking the Cardinal of Carpi for his assistance in obtaining Melrose for his son, mentioned that his agents wrote that the officials of the Roman Court demanded annates (*i.e.* first-fruits) and other expenses of expedition far in excess of what is usual. The king protested against this as a pernicious example, and desired the cardinal to speak of it to the pope if necessary (*Letters and Papers of the Reign of Henry VIII.*, vol. xvi., No. 1324).

[3] Three months after the death of James v., most of the lords of Parliament thought that, so long as his sons were minors, the superplus of the fruits of their abbeys and priories should be converted and delivered to the queen's comptroller, "for the honerable sustentatioun of hir grace, my lord governour hir tutour, and affaris of this realme." The king's sons were, of course, to be "honestlie furnissit and sustenit," and the abbeys and priories to be upheld. The governor, the Regent Arran, it is explained, was not only holding "ane greit hous," but was "at mair sumpteous expens" than the king had been (*Acts of Parliament*, ii. 424).

granted to the abbots of Dryburgh and Balmerino which empowered them to resign their monasteries to whom they pleased, as he had heard that they intended to do so in favour of their natural sons, which, he thought, would be a scandal, and desiring the pope not to consent to the resignations.[1] Next November he intimated to the pope that he intended to bestow on others the benefices held by certain priests guilty of homicide, and requested his holiness not to grant them dispensations.[2]

In his letters to the pope and the cardinals the king frequently touched upon the presentation and collation to benefices. For example, in June 1534 he requested the Cardinal of Ravenna to cause silence to be imposed upon David Bonar, who had commenced a suit impugning the collation of Alexander Kymmermonth (? Kynninmonth) to the vicarage of Panbryde.[3] Again, on the 1st of May 1535 he informed Paul III. that he heard that James [Betoun], Archbishop of St. Andrews, had attempted much against the royal privilege, and that having resigned the monastery of Arbroath to David [Betoun, his nephew, and afterwards cardinal], the present incumbent, with reservation of the profits and his right of re-entry at David's death, he was now endeavouring to procure from his holiness his reinstatement. The king explained that the monastery was consistorial, and in such cases, by papal grants to his ancestors, nothing

[1] *Letters and Papers of the Reign of Henry VIII.*, vol. viii., No. 425.
[2] *Ibid.* vol. ix., No. 739. [3] *Ibid.* vol. vii., No. 768.

could be done without the royal consent; and he therefore requested the pope to rescind anything that might have been granted to the archbishop. On the same day he wrote in a similar strain to the auditors of the Apostolic Chamber, and also to the Cardinal of Ravenna.[1] On the 30th of July he requested the pope to allow David Betoun to hold Arbroath *in commendam*, instead of by his present title, as he had conscientious scruples about neglecting the charge of his abbey for public business, in which the king often required his services. He also wrote that day to the Cardinal of Ravenna on the same subject.[2] Next day he sent a letter to the pope informing him that he had received James Betoun into favour, hoping that from his age and experience he would serve him faithfully; and desiring his holiness to grant him (Betoun) the right of disposing of the benefices of the archbishopric, notwithstanding *expectativæ gratiæ* and grants made at Rome. He even ventured to tell the pope that the habitual obtaining of benefices by persons at Rome was very prejudicial to the kingdom.[3] In October he again asked him to grant the requests of the archbishop, especially concerning the benefices in the patronage of the see.[4]

It is not necessary to believe that James v. in securing commendatorships for his natural children

[1] *Letters and Papers of the Reign of Henry VIII.*, vol. viii., Nos. 647, 648, 649.
[2] *Ibid.* vol. viii., Nos. 1146, 1147.
[3] *Ibid.* vol. viii., No. 1152.
[4] *Ibid.* vol. ix., No. 537.

was actuated only by that parental care for his offspring on which he had expatiated to Clement VII. So late as 1558 Quintin Kennedy, a zealous Scottish Romanist and Abbot of Crossraguell, said that daily might be seen "ane bairne and ane babe," to whom one would scarcely give a fair apple to keep, get perchance five thousand souls to guide; and all for avarice that the parents might get the profits for their own use, while the child got barely enough to bring him up decently, and the place which ought to have been served was allowed to go to ruin.[1] Archibald Hay may have thought of the royal bastards when, long before Kennedy, he thus complained—

"Livings are given not only to the ignorant, but even to boys not yet capable of reasoning, just as if they were born to an inheritance. I will not proceed to detail in an invidious manner how inconsistent this is with the office of pastors, lest I seem uncandid regarding dispensations, on which they lean as on a staff, or appear to deride laws already received. It might be tolerable in some degree if certain small parts of the priestly office were given to boys, until they grew up to virtue, but when the greatest offices are handed over to the smallest it needs a new colour of excuse, which I have as yet been unable to find, unless it be what I hear commonly said, 'Take away the annual revenue and I will soon remove the burden of a benefice that is placed on a boy's shoulders.'"[2]

[1] *Wodrow Miscellany*, p. 151.

[2] *Ad D. Davidem Betoun Card. Panegyricus*, fol. xxviii.

Immediately after the Church had been overthrown, Ninian Winzet, himself a priest, bitterly reproached the bishops for having admitted most of the ecclesiastical estate to minister the sacraments in their "ignorant and inexperte youthe."[1]

Not only might a child hold an important benefice, but, as in the case of the eldest bastard of James v., it might hold two, like Kelso and Melrose, at the same time. Pluralities had been condemned by one of the canons of Chalcedon in 451, and important decrees were passed against them by the Third Council of Lateran in 1179, and also by the Fourth in 1215. It is acknowledged that, notwithstanding these decrees, "the instances of papal dispensations, authorising the same person to receive, and even to hold, several benefices together, are undoubtedly numerous."[2] In the hands of a grown man pluralities were bad enough, but in the hands of a child still worse. When the defence was put forward that a boy was "protected by dispensations even for a plurality of benefices," Archibald Hay, as a good Catholic, could only reply that he did not condemn "a custom derived from popes and received in public practice." The appointment of an administrator during the child's minority was a makeshift expedient at the best, and must frequently have proved highly unsatisfactory when the administrator had personal duties to attend to elsewhere.

[1] *Certane Tractatis*, pp. 5, 6.
[2] *Catholic Dictionary*, p. 666.

It is difficult to realise that such a man as David Betoun was troubled with conscientious scruples about neglecting his duties as Abbot of Arbroath. The proposal that the pope should meet these scruples by allowing him to hold the abbey *in commendam* was worthy of the king who submitted it, as well as of him in whose behalf it was made. Fourteen years had already passed since John Major had said—

"By open flattery do the worthless sons of our nobility get the governance of convents *in commendam*—the wealth of these foundations is set before them like a mark before a poor bowman—and they covet these ample revenues, not for the good help that they thence might render to their brethren, but solely for the high position that these places offer, that they may have the direction of them and out of them may have the chance to fill their own pockets. Like bats, by chink or cranny, when the daylight dies, they will enter the holy places to suck the oil from out the lamps, and under a wicked head all the members lead an evil life." [1]

The biographer of the good Bishop Elphinstone of Aberdeen was careful to point out that he was no pluralist, that he held no benefice *in com-*

[1] Constable's *Major*, pp. 137, 138.—"When the prince, son [brother] of James the Fourth, Duke of Ross, Archbishop of St. Andrews, required still more revenue to afford him a princely living, he obtained three abbeys *in commendam*. He may never have visited them, never assisted in their chapters or convents, but he drew the revenues, and certainly without a thought of accounting for them to any one. He was commendator of those abbeys" (Cosmo Innes, *Scotch Legal Antiquities*, 1872, pp. 202, 203.)

mendam; but David Betoun was a very different man from Elphinstone. Although the cardinal was a pluralist, Archibald Hay reminded him of those who "go laden with a multitude of benefices, and are concerned how they are to excuse that plurality."[1]

The genuine collation to benefices was pressed by him upon the cardinal as an urgent question, as an indispensable matter. The intrusion of so many men, unqualified and unworthy, was entirely due, he thought, to "the very great revenues of the Church." Many, he declared, after years spent in frivolity, after passing the flower of their age in the basest practices, applied to the leading men in the Church as to patrons of their laziness, and obtained a fat living in order to spend their old age in luxury, while the diligent cultivators of letters were left helpless. One excellently fitted for the plough received a benefice, while nothing was offered to a good man. "The reason for this is that inactive limbs suit senseless heads."[2] But the exalted cardinal, "who ought to instruct by the example of his life, and with his accurate judgment of affairs to remove the unfit," would be able, if not at once yet gradually, "to bring it about that none be admitted to the office of the priesthood unless equally imbued with good morals and sound doctrine." His duty was put thus practically before him—

[1] *Ad D. Davidem Betoun Card. Panegyricus*, fol. xl.
[2] *Ibid.* fol. xxxii.

"When a relative seeks, reason should prevail over considerations of propinquity, and if the prince or another intrudes any one, you should measure your duty by the gravity of the matter. Benefices ought to be the rewards of virtue, and not of blood-relationship."[1]

Admission to benefices had become an open scandal, demanding a drastic remedy. It may have been partly due to Hay's plain speaking, as well as to the growing feeling in the country, and the decrees of the Council of Trent, that the provincial council of 1549, enacted that "the law of the sacred canons" should be strictly observed respecting "the qualifications in morals, learning, and title of those about to be ordained"; that, as "very many" of the curates of parish churches, or ministers performing the pastoral duties, throughout the whole realm, were "discovered to be so very deficient as well in learning, morals, and discretion, as in other qualifications requisite for that office," they should be examined before the end of the ensuing December, and those found to be unqualified admonished to resign; that vicars-pensioners should reside in the places whence they derived their pensions, officiate personally, and also be examined; that, of those seeking to be admitted to cures and benefices, investigation should be made into their willingness and ability to fulfil the duties and discharge the functions faithfully; that benefices should be conferred only on men of lawful

[1] *Ad D. Davidem Betoun Card. Panegyricus*, fol. xxxv.

age, staid character, proficient in learning, promoted to holy orders, and free from bodily blemish; and, as decreed by the Council of Trent, that in future no one should presume to accept or retain "at the same time several curacies or otherwise incompatible benefices, whether by way of union for life or in perpetual *commendam*, or under any other name or title whatsoever, contrary to the terms of the sacred canons"; and that the ordinaries should "compel all those who hold several curacies or otherwise incompatible ecclesiastical benefices to exhibit their dispensations for verification."[1]

These statutes were not enforced. Nine years later Quintin Kennedy, who had sat in this council of 1549, confessed that those who ought to preach neither preached themselves nor caused others to preach sufficiently to resist errors; that those who should guide the people were more ignorant than the simple people; that those who should be mirrors of good life gave open slander; that when a benefice was vacant, the great men of the realm insisted on having it as a temporal reward, and, on getting it, made it over to a brother

[1] Patrick's *Statutes of the Scottish Church*, pp. 109–113.—Although the Council of Trent decreed that, in future, no one should be appointed to more than one ecclesiastical benefice, a way of evasion was left open by the provision that, if the benefice was insufficient for the support of the man who held it, he might hold another with it provided the two were not *incompatible*. "One chief cause of incompatibility is the existence of an obligation to continuous personal residence in regard to both benefices, as in the case of two bishoprics, two parishes, two canonries, etc" (*Catholic Dictionary*, p. 666). For a summary of a papal bull permitting the Dean of Brechin to hold incompatible benefices in conjunction with the deanery, see *Registrum Episcopatus Brechinensis*, ii. 414, 415.

or a son, who, although he could neither "sing nor say," and had been nourished in vice all his days, was promptly "montit on ane mule, with ane syde gown and ane round bonett," and then it was doubtful whether he or his mule knew best how to perform his office. "Perchance Balaame's asse knew mair nor thai baith!" What wonder is it, he asks, when such persons are chosen to guide Christ's flock, that the simple people are wicked, esteeming vice to be virtue, and virtue to be vice? And yet, he says, it was those who trafficked in the monstrous abuses who cried out most against the vices of the clergy.[1]

In Hay's opinion the root-evils of the Church were ambition and avarice; in Kennedy's, tyranny and avarice; and in Winzet's, pride and avarice. Kennedy asserted that the ministers had not entered by the door, but like thieves and brigands had crept in by windows and back doors. He held that if "the Kirk had the auld ancient libertie," by which a bishop was freely chosen by his chapter, the abbot and prior by the convent and from the convent, then there would be qualified men "in all the estatis of the Kirk," then all heresies would be banished and the people well taught.[2] The right of confirming the bishops, however, had rested with the pope for centuries;[3] if, therefore, the evils which had crept into the

[1] *Wodrow Miscellany*, pp. 150, 151. *Syde gown* = long gown.
[2] *Ibid.* pp. 151, 152.
[3] *Catholic Dictionary*, p. 86.

Church were due to the loss of her "auld ancient libertie," the infallible head of that Church could not be held guiltless. So far as Winzet could discover, "the electioun of unqualifeit bischopis and utheris pastores in Scotland" did not go back quite a century. Before that time no man, he said, through fearing his conscience and doubting his ability, would receive "the office of ane pastour" until he was almost compelled thereto.[1] But Winzet was wrong in supposing that until the previous century pastors had been so backward to accept office. Joseph Robertson, who knew infinitely better, has said—

> "At no time during the three hundred years which preceded the Reformation does it appear that the Scottish bishops succeeded in making orders an indispensable qualification for a benefice. Synodal statutes in the thirteenth, provincial statutes in the sixteenth century, alike confess that rectories and other offices of the Church were filled by men who had not even received the clerical character."[2]

The provincial council which met at Edinburgh on the 1st of March 1558–59, and ended on the 10th of the following April—"diligently and attentively considering how many scandals are springing up in the Church of God through those who are unfit in age, morals, and learning being

[1] *Certane Tractatis*, p. 7.
[2] Robertson's *Statuta*, i. pp. ccv., ccvi.

admitted and promoted to Church livings"—decreed that in future no one should be presented or promoted to any church living whatsoever, "unless the presentee shall, after careful examination, be found by the ordinary to be fit for the exercise and fulfilment of the duties attached to such benefice; or else such collations, provisions, and dispositions shall be on that account null and void." The statute concludes with these remarkable words—

"And for the observance of the present statute the council has decreed that our most serene lady, the queen, be earnestly and humbly petitioned not to nominate, present, or suffer to be promoted to bishoprics, abbacies, prelacies, or any other kind of preferment belonging or appertaining to royal presentation, supply, or nomination, any one unless in morals, learning, and age he shall be found fit and qualified to perform, with honour to God and benefit to the people, the duties incumbent on [the holder of] the said benefice, laying it on the conscience of the lord ordinary who ordains or collates, to bethink him whether the blood of those who perish will not be required at his hands when he shall appear before the dread tribunal of God. And likewise the council has thought it expedient that supplicatory letters shall be sent to our most holy lord, the pope, praying him not to promote or suffer to be promoted to prelacies or any other preferments any one save such as is qualified in respect of age, morals, and learning."[1]

[1] Patrick's *Statutes*, pp. 176, 177.

There was urgent need to appeal to the queen and the pope. By the death, in 1558, of James Stewart, the Commendator of Kelso and Melrose, these two rich abbeys were vacant, and the queen-regent obtained them both for her brother, the Cardinal of Guise. On the 17th of April 1559, exactly a week after the provincial council was closed, his appointment to Melrose was confirmed at Rome.[1] It need not be asked how any one in France could discharge the duties in Scotland; but the great upheaval came so soon after his appointment that it is not at all likely that he ever derived revenue enough from these Scotch abbeys to pay the fees levied in Rome.

Before this provincial council closed, intimation was made that the next council would be held, in the same Dominican convent at Edinburgh, on Septuagesima Sunday next to come, that is, on the 11th of February 1559–60. But ere three months had passed that friary was sacked by the populace of Edinburgh; and the provincial council, shorn of its pomp and power, did not meet for three hundred and twenty-seven years. In discussing the council of 1558–59, Bellesheim says—

[1] Maziere Brady's *Episcopal Succession*, i. 200.—Under "Calco" (or Kelso) Brady hesitatingly says: "1559, April 17. Cardinal Guise is said to have succeeded Stewart in Calco, as well as in Melros, and to have been the last abbat of both monasteries" (*ibid.* p. 169). There is no room to doubt that he was appointed to Kelso as well as to Melrose, for the fact is not only stated by Bishop Lesley (*History*, Bannatyne Club, p. 267); but "he appears in our Scottish records, in March 1560, as Commendator of the abbey of Kelso" (Robertson's *Inventaires de la Royne Descosse*, Bannatyne Club, p. xxxvi.).

"In the crying abuses that had in the course of time come to be associated with the conferring of benefices, we believe that we may discern the rock on which the organism of the old Church in Scotland burst asunder."

Father Hunter Blair in his loose translation renders the sentence thus—

"The gross abuses that had grown up, in spite of popes and councils, in connection with the presentation to benefices,[1] were, in truth, the rock on which the Scottish Church finally split."

The insertion of the words *in spite of popes* is as significant as it is unwarranted. Popes were responsible for some of the worst abuses associated with the conferring of benefices, and their responsibility was recognised by the provincial council of 1558–59.

That the Church was grievously corrupted and therefore greatly weakened by the festering abuses associated with the conferring of benefices I have amply proved; but there is no sufficient reason for saying that these abuses formed the rock on which the organism of the Church burst asunder or broke up. Bellesheim's opinion is founded on a statement of Bishop Lesley's, a statement which is not in accordance with fact.

[1] A subtle distinction may be couched under the rendering of "*der Verleihung der Beneficien*" as "the presentation to benefices" instead of "the conferring of benefices." In the Latin Church, "lay patrons are not properly said to *confer*, but to *present to*, a benefice" (*Catholic Dictionary*, p. 77).

Lesley alleged that the provincial council of 1558–59 commanded all the bishops, abbots, priors, deans, archdeacons, and all the rest of the clergy then assembled, and others throughout the realm, to make themselves able, and use their respective offices, according to their foundations and callings, within six months, under pain of deprivation. There was no such statute enacted by that council.[1] Lesley may have been summarising a hazy recollection of the statutes. He was not, however, always scrupulous nor always truthful; and, indeed, when lying served his purpose, he could and did lie shamelessly.[2] Whether the misstatement in this case was due to a treacherous memory, to carelessness, or to wilful lying, the allegation with which he capped it falls with it, the allegation that this statute was the principal cause why a great number of young abbots, priors, deans, and beneficed men, fearing that they would "be put at," assisted the enterprise devised for overthrowing "the Catholicke religeon." His additional allegation, that these men were of impure life and were impelled less by conscience than by the lust of the flesh, is a transparent calumny. The loose-living clergy had no reason to fear that any attempt to purify their morals would be seriously enforced by a hierarchy over which Archbishop Hamilton presided; and therefore those who wished to gratify their lusts did

[1] See *Appendix H.*

[2] Fleming's *Mary Queen of Scots*, pp. 458–460.

not enter but shunned the ranks of the Reformers. If any loose-livers had joined the Reformed Church in the expectation of being allowed to live as they liked, they would have been woefully disappointed. Even if there had been a substratum of truth in Lesley's calumny, the charge would have come with a bad grace from such a man whose own morality was far from being spotless.[1] Nicholas de Gouda, the papal legate to Scotland in 1562, reported that, in the opinion of "good Catholics," the conferring of benefices on children and on utterly unworthy persons was one of the three causes of the misfortunes of their Church. The other two were "the lives of priests and clerics, which are extremely licentious and scandalous," and the absolutely supine negligence of the bishops.[2]

[1] Bishop Lesley, who was the son of a priest, had three illegitimate daughters (Joseph Robertson's *Book of Bon-Accord*, 1839 p. 377; Macfarlane's *Genealogical Collections*, Scottish History Society, ii. 4, 65, 445); but he was virtuous enough in January 1558–59, to sign, with other members of the chapter of Aberdeen, the document in which their bishop was solemnly advised to cause the clergy within his diocese to reform their slanderous manner of living, "and to remove thair oppin concubinis" (*supra*, p. 54). He was presented to the chaplainry of Warthill on the 8th of March 1560–61 (*Appendix I.*). His daughter Elizabeth Lesley was legitimated on the 21st of May 1585, when she was the wife of Mr. Richard Irwing burgess of Aberdeen (*Register of the Privy Seal*, lii. 129).

[2] Pollen's *Papal Negotiations*, p. 138.

V

SECONDARY CAUSES—CLERICAL CREDULITY, IMPOSTURE, AND RAPACITY

It was natural that a priesthood steeped in ignorance should be credulous, but in the pre-Reformation Church credulity was not a monopoly of the ignorant. It was manifested in various forms, notably in the general acceptance of religious legends which were alike false and absurd. The difficulty is not in finding specimens, but in making a selection from the countless multitude. A few may be culled from the *Aberdeen Breviary*, compiled by Bishop Elphinstone, the founder of Aberdeen University, a munificent patron of learning, and one of the best men who ever exercised the episcopal office either in Scotland or out of it. His *Breviary* was one of the first books printed in Scotland. Indeed, the printing of it was one of the objects specially contemplated when James IV. granted a patent, on the 15th of September 1507, to Walter Chepman and Andrew Myllar to establish a printing-press. By the printing of "mess bukis, and portuus efter the

use of our realme, with addicionis and legendis of Scottis sanctis, now gaderit to be ekit tharto," it was intended to supersede the use of English missals and breviaries.[1]

In the lections, or lessons, it is related that when Kentigern was a little boy he accidentally killed a robin redbreast, but having joined its head to its body, it became alive again and carolled its song; and that among other wonderful feats he kindled a fire by placing frozen leaves on the hearth and blowing on them. These miracles are thus referred to in one of the responsories—

> "A bird to life he brings;—revives the fire
> Quench'd by companions in their jealous ire."[2]

A poor man killed his only pig to provide a repast for St. Serf and his clergy, but through the merits of St. Serf the man found it alive again in the sty. A robber stole this saint's domesticated sheep, killed it and ate it; but, when swearing his innocence on the crozier, the sheep bleated in his throat. Further, St. Serf restored two

[1] "It is divisit and thocht expedient be us and our consall that, in tyme cuming mess bukis, efter our awin Scottis use, and with legendis of Scottis sanctis, as is now gaderit and ekit be ane reverend fader in God, and our traist consalour Williame, Bischope of Abirdene, and utheris, be usit generaly within al our realme als sone as the sammyn may be imprentit and providit, and that na maner of sic bukis of Salusbery [*i.e.* Salisbury or Sarum] use be brocht to be sauld within our realme in tym cuming" (Dickson and Edmond's *Annals of Scottish Printing*, 1890, p. 8).

[2] The above is Professor Stevenson's rendering of the lines—

> "Dat vite volucrem, gelidas conflavit in ignem
> Frondes quem comitum extinxerat ira nocentum."

infants to life by his prayers; and three blind men, three lame, and three deaf were restored to health by bathing in water he had blessed. He slew a huge and horrible dragon, by striking it with the head of his crozier.

St. Conwall sailed from Ireland to Scotland on a stone, and for centuries afterwards sick men and cattle were daily cured by touching the stone, or by washing with water which had touched it.

In the Firth of Forth there was a huge rock on which ships were occasionally wrecked. Moved by piety St. Baldred sat upon it, and, on giving a nod, the rock was pulled up from its bed, and, like a boat impelled by a favourable wind, approached the nearest shore. This saint had the oversight of three parish churches, and when he died the parishioners of each of them wished to have his body, so that by showing due reverence to it they might have his services as their intercessor in heaven. By a wonderful miracle each of the three churches obtained his body; and when Elphinstone, nine centuries later, compiled his *Breviary*, these three bodies were still "held in the greatest honour and reverence, and venerated accordingly."[1]

[1] The *Breviary* was issued in two volumes, the first in February 1509–10, and the second in June 1510. Millar's name does not appear on it. The work was reprinted in 1854, and edited by the Rev. William Blew, for the Bannatyne and Maitland Clubs, and other subscribers. David Laing prepared a preface for it, with facsimiles, in 1855. Dr. William Stevenson printed in 1872, for private circulation, a translation of certain parts of it. This in a revised and enlarged form was published in 1874, with the following title:—"The Legends and Commemorative Celebrations of St.

As the *Breviary* is in Latin, comparatively few of the laymen would be able to follow the lessons intelligently, but the substance was, no doubt, served up to them in another form as spiritual pabulum. That Bishop Elphinstone believed these legends implicitly may be safely assumed, otherwise he would not have given them a place in his *Breviary*. Even John Major, who survived Elphinstone, and was regarded as an oracle in matters of religion and as an advanced critic, believed in St. Baldred's three corpses, and combated the opinion of those theologians who said that such a thing was impossible. In treating of the Eucharist he referred to this miracle to prove that the same body could be in diverse places at one and the same time;[1] and so it was used to

Kentigern, his Friends and Disciples. Translated from the *Aberdeen Breviary* and the *Arbuthnott Missal*. With an illustrative appendix." It must not be supposed that the *Aberdeen Breviary* is the only one in which tall stories are to be found. There are some quite as wonderful in the *Roman Breviary*, reformed by order of the Holy Œcumenical Council of Trent, published by order of Pope St. Pius v., and revised by Clement VIII. and Urban VIII. Though thus reformed and purged of many fables, Father Hartmann Grisar, S.J., owns that it is still "a trouble to the scrupulous, because its lessons contain many details in the lives of saints which cannot stand before historical criticism" (*Church History and the Critical Spirit*, Catholic Truth Society, 1901, p. 24). It is a poor palliation to say, as he does, that, "the Church gives us the *Breviary* as a book of devotion," and "not as a work of historic science." True devotion can neither be fed nor fostered by manifest lies. But it may be alleged that even in England the age of astounding miracles has not altogether ceased. Father Ignatius and a relic of the true cross are credited with restoring a dead girl to life; and the same operator and a bottle of Lourdes water with raising to instant health a man who had been crushed to death (*Life of Father Ignatius, O.S.B.*, by the Baroness de Bertouch, pp. 116–119, 493–495).

[1] Constable's *Major*, pp. 86, 87.

repel an objection to transubstantiation; and, of course, it would not have been so used unless it had been generally believed. Such credulity may have been fostered by the principle, avowed by an educated Anglo-Catholic, that it is safer to believe too much than too little.

Simple credulity though excessive is not necessarily pernicious, but it often leads to baneful and debasing practices; and so an implicit belief in lying legends and miraculous stories led our superstitious and benighted forefathers to venerate an endless host of saints, and to call upon them in their trouble. Many if not most of the saints were specialists, and consequently sinners in any trouble knew exactly to whom they should apply for help. Images, more or less artistic, of these saints were made; and altars were erected to their memory. In his *Dialog betuix Experience and ane Courteour*, Sir David Lyndsay describes many of these images, such as St. Eloy with a new horseshoe in his hand, St. Anthony with a sow, St. Bride with a cow, and says that he might declare a thousand more.[1] Then he exclaims—

[1] Lyndsay gives a list of saints and the maladies they respectively cured (Laing's *Lyndsay*, iii. 29, 30). A longer list is given by Thomas Rogers (*The Catholic Doctrine of the Church of England*, Parker Society, p. 226). Sir Thomas More says, somewhat apologetically: "Peradventure sith Saint Loy was a ferrour, it is no great faute to pray to him for the helpe of our horse" (More's *Workes*, 1557, p. 197). When Strasburg was visited by the dancing mania in 1418, the afflicted were conducted to the chapels of St. Vitus near Zabern and Rotestein. "From him alone assistance was implored, and through his miraculous interposition a cure was expected, which was beyond the reach of human

"All thir on altare staitly standis,
Preistis cryand for thare offerands,
To quhome, we commounis, on our kneis,
Doith wyrschip all thir imagereis;
In kirk, in queir, and in the closter,
Prayand to thame our Pater Noster;
In pylgramage from town to toun,
With offerand, and with orisoun,
To thame aye babland on our beidis,
That thay wald keip us in our neidis.
Quhat differis this, declare to me,
From the Gentilis idolatrye?"[1]

And so the cultus of images, in Lyndsay's opinion, had degenerated into downright idolatry. That, in Scotland, the Lord's Prayer was addressed to saints and their images does not rest on his testimony alone. Henry Balnaves says—

"We praye commonly the *Pater Noster* (that is, *Our Father*) to the image of this or that saint made of tree or stone. And specially to this or that altar wee kneele, which is by ourselves or our predicessours founded upon such a saintes name, whose picture is well graved in a stocke or stone, and with costly colours painted. And the blessed sacrament of the body and bloud of Christ, after their maner, offered dayly to this or that saint, and called 'his messe'; for doing of the which there is not a syllable in God's Word for you, but the contrarie expressly commanded."[2]

skill." "The plague was called St. Vitus's Dance" (Hecker's *Epidemics of the Middle Ages*, Sydenham Society, 1846, pp. 91–94).

[1] Laing's *Lyndsay*, iii. 27, 28.

[2] Laing's *Knox*, iii. 518, 519.—Calvin said that there was too much experience of the absolute truth of Augustine's sentiment, "No man prays or worships looking on an image without being impressed with the idea that it is listening to him" (*The Necessity of Reforming the Church*, 1843, p. 49).

As Lyndsay says that the Pater Noster was addressed to the saints in the choir and in the cloister, as well as in the kirk, he seems to imply that this custom was followed by at least some of the clergy as well as the laity; and in his *Satyre of the Thrie Estaitis*, he says of the friars—

> "They sall nocht knaw weill, in thair closters,
> To quhom thay sall say thair Pater Nosters."[1]

The provincial council of 1549 directed the inquisitors of heretical pravity to pay special attention to "those who deny [the efficacy of] the prayers and intercessions of saints," and to "those who deny that images are lawful in Christian Churches."[2] This is one proof of the fact that, in Scotland, the tide of public opinion was beginning to turn against the invocation of saints and the veneration of images.

[1] Laing's *Lyndsay*, ii. 221.—Foxe gives a circumstantial account of a discussion as to whether the Pater Noster should be said to saints, which discussion he says was begun in St. Andrews and was carried to a provincial council in Edinburgh (Cattley's *Foxe*, v. 641–644). The story is repeated by Calderwood (*History*, i. 273–277); and more briefly by Spottiswoode (*History*, i. 180–182); and is referred to in *The Pack-man's Pater Noster* (*Poems of the Sempills of Beltrees*, 1849, p. 32). It has been assailed in some of its details by Principal Lee (*Lectures*, i. 76). Grub thought that "some of the ignorant clergy may have entertained such a notion, and that discussion may even have taken place in the University of St. Andrews," but deemed it utterly incredible that there could have been any serious dispute on the point, or that it could have been brought before a provincial synod (*Ecclesiastical History*, ii. 37). Joseph Robertson also disbelieved the story, while acknowledging that the question may have been mooted in a friary (*Statuta*, ii. 295). A statement omitted in the statutes of 1549 may have had some bearing on the question (Patrick's *Statutes*, p. 127).

[2] *Ibid.* p. 126.

The Council of Trent, while declaring that in images there is no divinity or virtue, "on account of which they are to be worshipped, that no petitions can be addressed to them, and that no trust is to be placed in them," nevertheless decreed that they were to be retained and honoured, "the honour which is given to them is referred to the objects which they represent, so that through the images which we kiss, and before which we uncover our heads and kneel, we adore Christ and venerate the saints, whose likenesses they are." And so it has been explained that "the cultus of images is simply relative."[1] A similar explanation is given in India. "No intelligent Hindu admits that he worships idols or pictures; he worships what these things represent."[2] In the Homilies appointed to be read in churches in the time of Queen Elizabeth, Augustine, Lactantius, and Clemens are cited to prove that in those early days heathen idolaters excused themselves in a similar way; and it is added that, after images were introduced into Christian Churches, the rude people began to worship them, and that in course of time their example was followed by the bishops, the learned, and the whole clergy—

"So that laity and clergy, learned and unlearned, all ages, sects, and degrees of men, women, and children of whole Christendom (an horrible and

[1] *Catholic Dictionary*, pp. 426, 427.

[2] *Things as they are, Mission Work in Southern India*, by Miss Amy Wilson-Carmichael, p. 243.

most dreadful thing to think) have been at once drowned in abominable idolatry, of all other vices most detested of God, and most damnable to man, and that by the space of eight hundred years and more."[1]

Such was the ultimate outcome, in the opinion of the English Reformers, of the relative cultus of images. Degrading evils do not come singly. Reputed relics of popular saints were preserved in many places. Each country had its own famous shrines, and to them pilgrimages were made from far and near. Some pilgrims were drawn by devotion—to pay vows, to return thanks, to shorten their time in purgatory; others were impelled by penitential discipline; most by the desire of getting rid of disease. It has been said that, in the latter part of the Saxon period, there was such a craze for foreign pilgrimage, that thousands of people were continually coming and going between England and the principal shrines on the Continent, especially those at Rome. It has been computed that, at a much later period, more than twenty-four hundred licences were granted in England in a single year (1434) for making the pilgrimage to Santiago de Compostella in the north-west of Spain.[2] The famous shrine of St.

[1] *Certain Sermons or Homilies*, 1844, pp. 206, 207, 216.—Naclantus, Bishop of Clugium, is cited as teaching, not only that the faithful in church do worship the image itself without any scruple or doubt, but that they ought to pay that degree of worship to the image which is due to the object it represents (*ibid.* p. 212).

[2] Cutts' *Scenes and Characters of the Middle Ages*, 1872, p. 159.

James there had become exceedingly popular in England after the time of Pope Calixtus II. who recommended English pilgrims to go twice there instead of once to Rome.[1]

In the time of David I. (1124–1153), Scottish pilgrims went to foreign shrines. In the *Leges Quatuor Burgorum*—the earliest collected body of the laws of Scotland of which there is any mention—it is provided that, if a man be "challangyt of his lande" when he is on pilgrimage, his adversary must await his return, unless he remains away fraudulently, in which case the delay shall only be forty days;[2] and if a burgess pass in pilgrimage with licence of the kirk and of his neighbours to the Holy Land or to St. James [*i.e.* Compostella], "or til ony other haly stede" (*vel ad alium sanctum locum*), his house and family shall enjoy the king's peace and that of the bailies till "God bryng hym hame agayne."[3] And, according to the *Regiam Majestatem*, if any one on pilgrimage to Jerusalem, to St. James, or to Rome, were summoned to a court, the action was to be sisted until his return, unless he absented himself fraudulently; if

[1] *Proceedings of the Society of the Antiquaries of Scotland*, xi. 65.—In this paper by Dr. Joseph Anderson, there is much curious information about the *signacula* of the pilgrims. In the fourteenth-century Vernon MS. entitled, *The Stacions of Rome* (Early English Text Society, 1867), many of the notable relics preserved in the churches of that city are enumerated; and the pardons which were to be there obtained are duly set forth. The nature of some of the relics and the periods of pardon are not more astonishing than the mediæval faith which was so easily imposed upon.

[2] *Acts of the Parliaments of Scotland*, i. 341.

[3] *Ibid.* i. 348.

summoned before his departure and excused, he was to have at least a year and a day; while in the case of pilgrims to other places the length and brevity of the journeys were to be taken into account.[1]

For those who could not go so far as Jerusalem, or Rome, or Compostella, there was no lack of shrines in France,[2] in England, and in Scotland itself. Some of the Scottish shrines, indeed, were so famous in the days of David I. that foreign pilgrims were attracted by them. An ordinance of David's declares that men on pilgrimage, and who for "thar saule hele visitis in haly steddis" (*loca sanctorum pro remedio anime sue visitare volunt*), shall have the king's peace in coming and going; no man is to do them wrong, and they are to behave according to law, or, as afterwards interpreted, "that thai self doo na wrang to ger our men doo thaim ony myse."[3] In the reign of David I., Malcolm IV., William the Lion, and Alexander II., it was provided that pilgrims—foreign, no doubt, as well as native—should be conveyed free across Inverkeithing ferry.[4]

Among the more popular of the English shrines were those of Thomas à Becket at Canterbury, Edward the Confessor at Westminster, Our Lady at

[1] *Acts of the Parliaments of Scotland*, i. 601.

[2] Sir Thomas More defiled his pages by describing the indecent custom alleged to have been practised by pilgrims in the chapel of St. Walery in Picardy (More's *Workes*, 1557, p. 195).

[3] *Acts of the Parliaments of Scotland*, i. 323.

[4] *Ibid.* i. 360, 364, 386, 407.

Walsingham, St. Cuthbert at Durham, and St. Edmund at Bury.

Thirty years ago a curious document was found at Canterbury. It runs in the name of the Prior and Convent of Canterbury, and is dated 27th July 1445. It tells that a Scotsman, named Alexander Stephenson, born in Aberdeen, and twenty-four years of age, had had contracted feet from his youth, and had suffered miserably from worms and sores within them; that he had vowed to go in pilgrimage to the shrine of St. Mary of Sequt, but diverged from his way, and came to that of St. Thomas à Becket, at Canterbury; that when he approached the shrine of the martyr on his knees the horrible sores on his feet were eradicated so thoroughly that for three days he danced on the ground. Those present were besought to glorify God in His saints, and proclaim in joyful praise how, through the merits of St. Thomas, He had wonderfully enriched His Church with shining miracles in confusion of heresy and error. The cured man had been partly carried, and partly supported by contrivances for the weak, in his journey to Canterbury. In gratitude and to supplement his first vow he went to the Holy Blood of Wilsnack in Brandenburg, and returned prosperously to Canterbury on foot.[1]

Alexander Stephenson was by no means the

[1] *Proceedings of the Society of Antiquaries of Scotland*, x. 528-530.—This attested document varies in some points from the copy preserved in the Register of Christ Church, Canterbury (*Stanley's Memorials of Canterbury*, 1880, pp. 290, 291).

first Scotsman who had venerated Thomas of Canterbury or knelt at his shrine. Only seven years after Becket's death William the Lion, whose whole policy was opposed to the martyr's principles of Church independence, founded and endowed the abbey of Arbroath, dedicating it to him.[1] In February 1363–64, Edward III. granted letters of safe conduct to the second queen of David II. and to the Earl of Mar, then intending to go on pilgrimage to St. Thomas of Canterbury; and also to David himself, who with twenty knights purposed going to St. Mary of Walsingham.[2] "The sacred milk of the Blessed Virgin" was preserved at Walsingham. At Canterbury there were not only the body and blood of Becket, but many other personal relics, including his hair shirt, that shirt which, when he was murdered, was boiling over with vermin, "like water in a simmering cauldron," thereby proving his saintship.[3] Relics of many other saints were also preserved there, the items numbering more than four hundred.[4] According to Erasmus when he was there with Dean Colet they devoutly kissed skulls and jawbones, fingers, hands, and arms; but when an arm was produced which had still the bloody flesh adhering to it,

[1] *Liber S. Thome de Aberbrothoc*, i. p. xi.

[2] *Pilgrimages to Walsingham and Canterbury*, by Erasmus, translated by J. G. Nichols, 1875, p. lxvi.

[3] *Ibid.* p. 128; Stanley's *Memorials of Canterbury*, 1880, p. 100.

[4] *Pilgrimages to Walsingham and Canterbury*, p. 138. — The relics in the church of Wittenburg numbered nearly twenty thousand (*ibid.* p. 140).

Colet drew back and betrayed some signs of disgust.[1]

Notwithstanding the number of relics that were swept away by Thomas Cromwell's visitors in the reign of Henry the Eighth, there was no lack of them in England when Elizabeth ascended the throne. Bishop Jewel, one of the commissioners who examined a large part of the country in 1559, says—

"A wilderness of superstition had sprung up in the darkness of the Marian times. We found in all places votive relics of saints, nails with which the infatuated people dreamed that Christ had been pierced, and I know not what small fragments of the sacred cross."[2]

Concerning the relics which Scotland possessed, the information is much less ample than about those of England and some other countries. Scotland, nevertheless, was far from being destitute of wonder-working and pecuniarily valuable relics. In 1300, Boniface VIII. alleged that Scotland belonged to the Holy See, one of the reasons being that it "had been miraculously converted

[1] *Pilgrimages to Walsingham and Canterbury*, pp. 42, 43.

[2] *Zurich Letters*, Parker Society, i. 44.—Calvin knew of fourteen nails which were exhibited for the three with which Christ was nailed to the cross (*Tracts*, Calvin Translation Society, i. 137, 269). Now it seems that "no less than twenty-nine towns claim the possession of thirty-two nails, all differing in form" (Ashton's *Legendary History of the Cross*, 1887, p. xcii.). The task of forming a huge collection of relics was not desperately difficult, for, of the saints, some had many heads, some had six arms, and six-and-twenty fingers; and as for the cross, the recognised relics were enough to load "the greatest ship in England," although most

to the Christian faith by the relics of St. Andrew."[1] These relics were preserved in the cathedral of St. Andrews; and there, in March 1303–04, Edward I. offered a golden ouch to the arm of the apostle, and his queen offered another.[2] In the college of St. Salvator in the same city, there was a little cross of gold adorned with precious stones and pearls containing "tua pecis of the haly cross."[3] An arm-bone of St. Giles was treasured in the church of Edinburgh. One of the most highly prized relics in Scotland was the cross, known as the Black Rood because it was kept in a black case. The cross itself was made of gold, and was set with diamonds, and inside of it there was a reputed piece of the true cross, which, it was alleged, had often proved its genuineness by miracles. Queen Margaret is said to have

of it was still in the hands of the infidels (*Certain Sermons or Homilies*, 1844, pp. 210, 211). Such testimony need not be drawn exclusively from Protestants. Father Hartmann Grisar says: "A village church near Genoa produced, and for many years exhibited, the tail of the ass on which Christ rode into Jerusalem. The rope from which Judas hanged himself, and the pieces of silver with which he betrayed our Lord, the saddle of one of the three kings, the marble table on which Abraham was about to sacrifice his son were all kept as relics. To this day crosses exist whose design stamps them at once as thirteenth or fourteenth century work, and yet which claim to have been made almost immediately after the Crucifixion." He adds: "I myself have often been ashamed to hear priests and sacristans tell educated people of other religions their traditional errors about the holy things of the churches under their care" (*Church History and the Critical Spirit*, pp, 13, 14).

[1] Hailes' *Annals of Scotland*, 1776, p. 267.

[2] Bain's *Calendar of Documents relating to Scotland*, iv. 486.—In 1273 Edward had granted a safe-conduct to three men, who went to Scotland to visit the threshold of St. Andrew the apostle (*ibid.* ii. 2).

[3] *Maitland Miscellany*, iii. 202.

brought it with her to Scotland;[1] and when her descendant, David II., invaded England in 1346, he took it with him. In the holy cloth with which St. Cuthbert covered the chalice when he said mass, the English had a more potent relic. It was used as a banner, and carried on a spear. The English were victorious, and both David and the Black Rood were captured.[2] A century before this catastrophe, the relics of Queen Margaret, "inclosed in a grate box of gold set with pretious stones," were translated to the high altar of the church of Dunfermline.[3]

Of other famous shrines in Scotland may be mentioned those of St. Ninian at Whithorn, St. Triduana at Restalrig, St. Adrian in the Isle of May, St. Duthac at Tain, Our Lady at Whitekirk, and Our Lady at Loretto, near Musselburgh.

[1] Turgot's *Life of St. Margaret*, translated by W. Forbes-Leith, S.J., 1884, pp. 76, 77.—According to a picturesque, old legend, this cross was not brought by Queen Margaret, but was miraculously put into the hands of her son, David I., just in time to save him from the fury of an enormous stag; and in gratitude he founded the abbey of Holy-cross or Holyrood (*Bannatyne Miscellany*, ii. 11–20; Bellenden's *Boece*, 1821, ii. 296–298).

[2] *Liber Cartarum Sancte Crucis*, pp. xxvii.–xxix.—This was not the first time that the Black Rood had been taken out of Scotland. It is included in a list of the spoils of Edward I. in 1291, as are also Aaron's rod, and a silver cross containing a piece of the true cross (*Acts of the Parliaments of Scotland*, i. 112).

[3] Forbes' *Kalendars of Scottish Saints*, 1872, p. 390.—"The shirt of our own St. Margaret—'*camisia Beate Margarete Regine*'; 'Sanct Margaretis sark'—was kept beside her shrine in Dunfermline; and the queens of Scotland still continued, in the fifteenth and sixteenth centuries, to clothe themselves in it in their hour of travail" (Robertson's *Inventaires de la Royne Descosse*, p. xiv.). Marvellous powers were ascribed to St. Duthac's shirt preserved at Tain, but it failed to save the Earl of Ross who wore it at the battle of Halidon Hill in 1333 (Constable's *Major*, p. 273).

When on one occasion James IV. was returning from Whithorn he met people going thither from Ross-shire, who apparently had more faith in the distant St. Ninian than they had in St. Duthac at their own doors. James frequently went on pilgrimage to Tain as well as to Whithorn and the Isle of May.

So late as 1518 James V. assured Leo X. that pilgrims flocked to Whithorn from England, Ireland and the Isles.[1] This is surprising, as the relics of the national saint had already ceased to draw, a fact which is acknowledged in the foundation charter of St. Leonard's College. In this charter the legend of St. Regulus bringing the relics from Patras is briefly set forth; and it is stated that the wonders, for which the relics became famous, brought so many pilgrims to St. Andrews from divers lands, far and near, that a hospital was built for their reception; but as the pilgrimages and miracles "had in a measure ceased, so that the hospital was without pilgrims," it had been utilised for elderly women; and they giving "little or no return in devotion or virtue," it was now (20th August 1512) to be converted with

[1] *Epistolæ Regum Scotorum*, i. 282.—By a double slip, Dr. John Stuart (*Proceedings of the Society of Antiquaries of Scotland*, x. 533) says that this letter was from James IV. to Innocent X. Safe-conducts were granted to these pilgrims (*Registrum Secreti Sigilli Regum Scotorum*, 1488–1529, Nos. 1291, 2844). Licences were granted to Scots to go to "Sanct Thomas of Canterbery in Ingland," to "Sanct Johne of Ameas in France," to "Sanct James in Galicia," to Rome, to "Sanct Andres grafe besyde Napillis," to Jerusalem, and to unnamed places beyond the sea (*ibid.* Nos. 212, 221, 437, 445, 485, 641, 670, 1014, 1059, 1251, 1257, 1424, 425, 1441, 1523, 1545, 1606, 1684, 1794, 1821, 1840, 3128, 3771, 4064).

St. Leonard's Church into a college. The charter explains that the miracles had in a measure ceased, because "in the course of time the Christian faith had been established in our parts."[1] The college so founded professedly "to steady the tossing bark of Peter," became a nursery for the Reformation.

Æneas Sylvius, afterwards Pius II., was sent on a mission to James I. late in the autumn of 1435. He sailed from Sluys, in the Low Countries, and encountered two terrible storms, so terrible that all hope of reaching land was abandoned. At last the wind changed, and after a passage of twelve days the Firth of Forth was entered. In despair, Æneas had vowed a pilgrimage, and on landing set out barefooted for Whitekirk, over the frozen ground and ice. After a rest of two hours he tried to return, but he was so worn out, and his feet so benumbed, that he could hardly move. He blamed the weary walk for bringing on aches in his joints, from which he suffered to his dying day.[2] Becket might have shown him more compassion than did Our Lady of Whitekirk.

Pilgrimages did not always involve so much hardship. In Chaucer's day it is evident that the pilgrims to Canterbury manifested more levity than gravity. And William Thorpe, a Lollard, in his examination in 1407, told the Archbishop of Canterbury that out of twenty pilgrims not

[1] Herkless and Hannay's *College of St. Leonard*, 1905, pp. 136, 137.
[2] Robertson's *Statuta*, i. pp. xci.–xciii.

three men or women could be found who knew one of the commandments, or could repeat the *Pater Noster* and *Ave Maria*, or the Creed; and that when some went on pilgrimage they took care to have with them "both men and women that can well sing wanton songes," and others would have "bagge pipes" with them, so that in every town they passed through they made more noise with their singing, piping, jangling of their Canterbury bells, and barking of dogs after them, than the king with all his clarions and minstrels.[1] When James IV. went to St. Duthac's in 1504, he took his dogs and hawks with him, that he might have sport by the way. He had also Italian minstrels with him. He played at cards for money. Pipers performed and maidens danced before him.[2]

That going on pilgrimage in the fourteenth century did not tend to elevate the people is evident from the *Visions of Piers Plowman* as well as from the *Canterbury Tales*. The results in the sixteenth century were distressing to Bishop Latimer, who saw the people flocking to many images, but chiefly to the blood of Hales, which they believed to be the very blood that was shed on Calvary for our salvation, "and that the sight of it with their bodily eye doth certify them, and putteth them out of doubt, that they be in clean life and in state of salvation without spot of sin."

[1] Cattley's *Foxe*, iii. 268.
[2] *Proceedings of the Society of Antiquaries of Scotland*, x. 533, 534.

In communing with them he found that they had no thought of forgiving their enemies or reconciling their Christian brethren, "for the sight of that blood doth requite them for the time."[1]

As described by Sir David Lyndsay, mixed pilgrimages in Scotland led to gross vice, not to virtue—

"I have sene pass one mervellous multytude,
Yong men and wemen, flyngand on thare feit,
Under the forme of feynit sanctytude,
For tyll adore one image in Loreit.
Mony came with thare marrowis for to meit,
Committand thare fowll fornicatioun:
Some kyst the claggit taill of the Armeit:
Quhy thole ye this abominatioun?"[2]

By "Loreit" Lyndsay means Loretto, near Musselburgh, and by the "Armeit" he means Thomas Douchtie, who, returning from abroad, brought an image of the Virgin with him, and, founding a chapel at Loretto, set up as a hermit in 1533. The shrine soon became so famous that before James the Fifth went to France in search of a wife he made a pilgrimage from Stirling to Loretto.[3]

A curious story of pious fraud is connected with this chapel. A shepherd boy, in the service of the nuns of the Sciennes, was able to turn up the whites of his eyes as if he were totally blind.

[1] Latimer's *Remains*, Parker Society, p. 364.
[2] Laing's *Lyndsay*, iii. 40.
[3] Laing's *Knox*, i. 75, 76; Laing's *Lyndsay*, iii. 194, 195.

When this became known to the clergy, the nuns were ordered to keep the boy hid for a number of years until every one had forgotten about him, and then he was led about as a blind beggar. After he was sufficiently well known in the latter character he was taken to the chapel of Loretto. Various rites having been gone through he was ordered to shut his eyes, and afterwards to reopen them. As he did so it was announced that his sight was restored. The beholders were amazed, for the beggar now seemed to see as well as any of them. He descended from the scaffold profuse in his thanks for the priceless benefit bestowed upon him. A gentleman who happened to be present suspected that there was a trick. He asked the beggar to enter his service, and, when he got him into Edinburgh, took him into a private room, and, drawing his sword, threatened to kill him unless he made a clean breast of it. The terrified wretch confessed the whole truth, and afterwards repeated it at the market cross of Edinburgh, in presence of many of those who had seen the astounding miracle performed.[1]

At Kilwinning, in Ayrshire, several centuries before the Reformation, a well occasionally emitted blood instead of water, or blood mingled with water.[2] There is no reason to question the fact. The mystery was at least partially solved in 1826, when a pipe was discovered which led from the

[1] *Liber Conventus S. Katharine Senensis*, pp. lxvi.–lxxix.
[2] Hailes' *Annals*, 1776, pp. 298, 299.

monastery down hill to the well.[1] When the faith of the doubting had to be confirmed it was only necessary to kill a sheep or other animal at the monastery and pour the blood into the upper end of the pipe.

William Laing, the Franciscan confessor of James v., pretended to exorcise a demon at or near Dysart; but the fraud was discovered, and created such a scandal that the king for shame was constrained to dismiss him.[2]

When so many of the Scottish clergy were shockingly immoral, woefully ignorant, grossly profane, culpably credulous, and had, as Quintin Kennedy phrased it, entered the Church like thieves and brigands, it was only natural that they should wring as much as possible out of their deluded flocks; and so belief in lying legends, in the power of saints, in the virtue of relics, was worked for pecuniary ends, and worked most successfully. Purgatory occupied the foremost place among remunerative inventions. By it the clergy preyed not only on the fears of the dying, but on the affection and the remorse of the relatives of the dead. When, however, hypocrisy was exposed and fraud found out, the very things which had been sources of power and revenue became sources of weakness involving destruction.

Not content with their great wealth derived from Church lands, from tithes, and from oblations,

[1] *New Statistical Account of Ayrshire*, p. 819.

[2] *George Buchanan, Glasgow Quatercentenary Studies*, pp. 312–320.

the clergy imposed other burdens. Among the grievances brought before the general provincial council of 1558–59 was the exaction of the corpse-presents (the cow and the umest claith); and the offerings taken at Pasch (*i.e.* Easter) "fra men and women for distribution of the sacrament of the blessit body and blud of Jesus Christ." These, it was declared, were at first free-will offerings, but now the clergy compelled payment to be made, fulminating their "sentence of cursing," and rigorously debarring men and women from using the sacraments.[1]

The harsh and heartless way in which the corpse-presents were exacted from the poor roused the indignation of Sir David Lyndsay. In his "*Satyre of the Thrie Estaitis*" he introduces a pauper, who, until his calamities came upon him, was able to support his aged father and mother as well as his wife and children. The only beast of burden he possessed was a "gude gray meir"; but he had also three cows. His troubles began with his father's death. The landlord claimed the grey mare as his herield or tribute; and the vicar took the best cow. His mother died a day or two afterwards, and then the vicar took the second cow. The poor man's wife was so upset that she mourned continually, and at last died of sorrow. The vicar returned and carried off the last cow. His clerk had, by his instructions, seized the "umest clayis." The bereaved man explains that

[1] Patrick's *Statutes*, p. 158.

he had then to go with his children and beg for meat. In his "*Dialog betuix Experience and ane Courteour*" Lyndsay again denounces this iniquitous extortion, and alleges that the clergy actually detained the corpse at the kirk-style until they received sufficient surety that the dues would be paid.[1]

The custom became a scandal as well as a hardship. James v. had no love for the Reformed doctrine, but he had little or no respect for the priests of the old faith. It is alleged that he urged the general provincial council, in 1536, to give up the mortuary dues, but he urged in vain.[2] Not until the spring of 1559, only a few weeks before the storm of the Reformation burst upon them, did the clergy agree to modify these dues to the poor, and to exact them no longer from the very poorest.[3]

The council resolved that henceforth the vicars should arrange in January with their parishioners as to the smaller teinds, and other offerings due to the Church, so that at Easter they might not "seem to sell that most sacred sacrament for the

[1] Laing's *Lyndsay*, ii. 102, 103 ; iii. 111, 112.

[2] Robertson's *Statuta*, i. pp. cxxxvi., cxxxvii.

[3] By this statute, if the dead's part amounted to more than £10 Scots, the vicar was to be paid in full as of yore ; if it amounted to any sum above £1, and not exceeding £10, he was to receive a fifth of that sum for the mortuary and for the uppermost garment ; if it did not exceed £1, nothing was to be paid out of it for these (Patrick's *Statutes*, pp. 178, 179). The dead's part was that part of a man's moveable property which he was entitled to dispose of by will, viz.—the whole, if he had neither wife nor children ; a half, if he left a widow or children ; a third, if he left a widow and children (*ibid.* p. 47).

consideration of the delivery of a garment, to the great scandal of Christians in the eyes of the rude rabble at least, and, indeed, of everyone who has been at church." Though nothing was to be exacted before the sacrament, free-will offerings might be accepted after it.[1]

Monastic bodies have been praised for the kindness shown by them to the tenants of their lands; but latterly some of them at least were hard enough on their tenants. John Major blamed the commendator who brought ruin on the farmer-tenants of the convent by raising their rents to fill his own purse.[2] The anxiety of James v. to benefit the monasteries, of which his children were commendators, by obtaining permission to grant leases for nineteen years, was obviously prompted by the expectation of getting bigger rents.[3] The Blackfriars of St. Andrews had lands in Rathillet, in the parish of Kilmany. At Martinmas 1520, the four tenants were unable or unwilling to pay their rent; and next February the prior raised an action against them in the

[1] Patrick's *Statutes*, pp. 185, 186.—This January-collection arrangement was to be enforced against refractory parishioners by monitory letters from the bishops. In the thirteenth century a provincial council had authorised the clergy to demand three oblations yearly, by way of tithe, from the very poorest labourers though their wages were less than 6s. 8d. per annum (*ibid.* p. 23). And in that century, some priests refused to administer the eucharist on Easter day until the people produced their offerings. Such priests exacted the offerings by "holding the body of Christ in their hands, as if they were to say: 'What will ye give me and I will deliver Him to you'" (*ibid.* p. 42).

[2] Constable's *Major*, pp. 137, 138.

[3] *Supra* p. 119.

Court of the Official. He obtained decree, a contemporary certified extract of which is still preserved in the municipal archives of St. Andrews. The debt was only fifty shillings, equal at that time to about sixteen shillings and eight pence sterling, or, to put it in American money, about four dollars. The tenants were ordered to pay within fifteen days, under pain of excommunication.[1] That is, if they did not pay within that time, they would be excluded from the sacraments, if not actually handed over to the devil.

Such were the more outstanding of the secondary causes of the Reformation and of the final rupture with Rome. Through the long centuries the relations between the Scots and the visible head of the Church had occasionally been severely strained. The royal descendants of St. Margaret, while accepting the Roman doctrine, had not always been meekly submissive to Roman rule. More than one of them, notably William the Lion and James I., had so ventured to assert their independence that serious if not permanent rupture had seemed possible.

Led by his zeal for the French alliance, James IV. also incurred the pontifical wrath; and, if he had not fallen at Flodden, an irreparable breach with Rome might have taken place full forty years sooner than it did. On the 20th of December 1512, Julius II. granted a plenary indulgence to all who for six months should serve under Henry VIII. or

[1] *Appendix J.*

his captains in the war against Louis XII.[1] Next February, James wrote to Julius that he, as the most obedient son of the see of St. Peter, would deeply regret if such a renowned family as that of France were brought to ruin; and stated that he would do everything in his power to promote the pope's wishes if the ancient favour of the holy father was restored to Louis.[2] This letter never reached Julius, who died nine days after it was written, but not before he had issued a bull against the King of Scots. When Nicholas West, the English ambassador, had an interview with James in the end of March (1513), James "laid all the fault of the bull executorial on the Cardinal of York—said it was by information given from England, which West denied. It was the pope's own notion helped on by the cardinal. James declared he would send the Bishop of Murray and appeal against it. He would never do obedience to the new pope [Leo x.] if he condemned him unheard; that if he wished to make war upon England the pope should not stop him, but he would not do it without warning. West asked him to whom he would appeal, and he answered, laughing, that he would appeal to Preter (*sic*) John."[3] To Bainbridge, the Cardinal of York, Henry explained that Prester John was a noted pirate and apostate commanding the French fleet, and expressed the opinion that the folly of James ought to be chastised, as it was

[1] *Letters and Papers of Henry VIII.*, vol. i. part i., No. 3602.
[2] *Ibid.* No. 3837.
[3] *Ibid.* No. 3838.

"impious to abuse the pope, the head of Christendom." But England had never intended, Henry said, to publish the bull of Julius unless the King of Scots violated his oath.[1] Ere writing this letter (12th April 1513), he had received a brief from Leo containing a clause confirming what Julius had done against James in case he broke with Henry.[2]

Writing from Rome on the 25th of June, Bainbridge informed Henry that Leo was sending him two briefs confirming the grants made to him by Julius against the enemies of the Church; and would keep his promise, but, as he was bound by an oath to promote the peace of Christendom, he could not yet openly invade the French king. Leo had confirmed the interdict against Scotland, and had written to James, threatening him that, if he did not desist, he would grant Henry a still harder bull against Scotland.[3]

On the 15th of September, Bainbridge and the Bishop of Worcester, with Cardinal Surrentinus and the ambassadors of the emperor and of Arragon, had a secret interview with the pope. They knew that James had invaded England, but did not know that, with the help of the banner and the prayers of St. Cuthbert, the English had triumphed at Flodden on the 9th. At the interview the pope was desired to fulminate a new bull against James for this breach. To avoid the

[1] *Letters and Papers of Henry VIII.*, vol. i. part ii., No. 3876.
[2] Ellis' *Original Letters*, first series, i. 68, 69.
[3] *Letters and Papers of Henry VIII.*, vol. i. part ii., No. 4283.

displeasure of the French cardinals, his holiness arranged that, on the 18th, Bainbridge should present in the consistory a bill of remembrance for the same, and promised to remit it to three cardinals who would decide in Henry's favour. He also promised to send before Michaelmas a resident to England, who would take with him the censures under lead; but hoped that Henry would keep silence till the bull arrived.[1] James died excommunicated.[2]

There had been friction between James and the Court of Rome regarding the conferring of benefices; and he had complained of the irritating opposition of the Cardinal of York, or the Cardinal of England as he was also called, in the matter of the preceptory of Torphichen. James had also complained that, unlike other princes, he had received no notice of the Lateran Council convened by Julius; but said that, nevertheless, he would have sent ambassadors to it, if he could have obtained a safe-conduct from the King of England.[3] After receiving the last brief from Julius, however, he

[1] *Letters and Papers of Henry VIII.*, vol. i. part ii., No. 4455.—At Flodden, "Lord Howard led the van followed by St. Cuthbert's banner and the men of the bishopric." All attributed the victory to "the intercession of St. Cuthbert, who never suffered injury to be done to his church unrequited" (*ibid.* Nos. 4461, 4462). Apparently Leo's bull was printed, for, in Henry's book of payments, under 25th Dec. 1513, there is this entry: "Pynson, printing of the enterdityng of Scotland, 40s." (*ibid.* ii. part iv. p. 1463).

[2] Laing's *Dunbar*, supplement, pp. 290, 291.

[3] *Letters and Papers of Henry VIII.*, vol. i. part i., No. 3625.—By the influence of the Cardinal of York, Panter, James' secretary, was defeated at Rome in the matter of Torphichen (*ibid.* No. 3651).

had so far changed his mind that he told West that, if Julius had lived and three bishops had kept a council, "he wolde have been with theym against the pope."[1]

The bitter sense of loss which followed Flodden did not tend to mollify the aggrieved feelings of the Scots towards either Henry or his holiness, nor did the subsequent conduct of these two irresponsible confederates. The feeling which had been manifested towards these two, by the chivalrous and beloved, though infatuated and unfortunate, king, was apparently intensified, for a time at least, in his suffering subjects.

According to Aleander, a papal nuncio, it was seriously proposed in Scotland, soon after Flodden, to renounce the supremacy of Rome in matters civil and ecclesiastic, while continuing to hold with it in matters of faith. This is learned from a letter in the Vatican, which was written by Aleander on the 23rd of April 1539. The movement began in Scotland, he says, twenty-five years before, in the time of Louis XII. of France, who laboured much to prevent it. Aleander explains that he knew of this because, being then in France, he wrote many Latin letters for Louis, to Scotland, in favour of the apostolic see, by which means that disorder was then stopped.[2] If Aleander was strictly accurate in saying twenty-five years,

[1] Ellis' *Original Letters*, first series, i. 70, 71.

[2] *Letters and Papers of the Reign of Henry VIII.*, vol. xiv. part i., No. 843.

the proposal to break with Rome must have been made in 1514, the year after Flodden and the last year of Louis XII., who had himself returned to the obedience of the holy see in December 1513. This movement in Scotland may have been partly prompted by opposition to the schemes of Henry VIII., then a devoted son of the pope. On the 12th of October 1513 (*i.e.* barely five weeks after Flodden), Henry asked the pope to revoke certain concessions made to the King of Scots, which were injurious to England. He specially asked that St. Andrews should be deprived of metropolitan honours, that the Priory of Coldingham should be restored to the see of Durham, and that none of the Scotch bishoprics rendered vacant on Flodden field should be disposed of until he had expressed his wishes regarding them.[1] Another letter of Henry's to Leo X., dated 7th May 1514, is thus summarised—

"Was indignant on learning from the Bishop of Chieti (Theatinus), the pope's ambassador, and John Baptista, procurator of Cardinal Cibo the pope's nephew, that, in contempt of his holiness, not only Baptista himself, a skilful and circumspect man, but also the pope's ambassador, Baltassar, were forbidden to enter Scotland, and the latter at

[1] *Letters and Papers of the Reign of Henry VIII.*, vol. i. part ii., No. 4502.—James V., in the latter half of 1515, informed the pope and cardinals that he had heard that Henry had declared his intention of becoming governor of Scotland, and had given presentations to Scotch bishopries (*ibid.* vol. ii. part i., No. 777); and Henry's usurpation was protested against (*ibid.* No. 654).

last admitted under degrading conditions. The Scots, amid all their affliction, fear nothing, and trusting only to their misery, dare things that no other Christian nation would do. This crime was not committed by the rude and uncivilized people, but by the bishops themselves. His holiness may judge of the spirit of the nation at large. Though Leo will be informed of it by Baptista and the ambassadors themselves, Henry could not refrain from expressing how he felt. If the pope will commission him to do so, he will avenge the indignity, and act towards Scotland as he has acted towards France."[1]

This unexpected rebuff to the pope's representatives, as well as the desire to get rid of the papal supremacy in temporal and ecclesiastical matters, may have been largely due to the friction regarding the appointments to prelacies. Baptista was to take possession of the archbishopric of St. Andrews for Cardinal Cibo, and was empowered, in case of refusal, to interdict the land.[2] On the 4th of March 1514–15, James v., or rather his council in his name, reminded the college of cardinals of the privileges granted to the Scotch kings concerning vacant prelacies; and stated that Andrew Forman, having obtained letters from the King of France and the Duke of

[1] *Letters and Papers of the Reign of Henry VIII.*, vol. i. part ii., No. 5048.—On the 26th of the preceding December, Maximilian I. had written to Henry in favour of Balthasar Stuart, papal prothonotary, sent by the pope into Scotland, with orders to take in his way the emperor, and the King of England (*ibid.* No. 4615).

[2] *Ibid.* No. 4725.—See *supra*, p. 113.

Albany, had usurped the disposal of the prelacies and other high offices of Scotland, for which misdeeds he had been declared a rebel and deprived of office; and that the pope had been asked to annul all letters in Forman's favour.[1] Albany arrived in Scotland in May 1515, and in the following July was acknowledged by Parliament as governor of the realm. In defence of the king's privileges he frequently wrote to the pope, and assured him that, on his arrival in Scotland, he had found great dissensions, the nobility, the commons, and the higher ecclesiastics being desirous of maintaining the royal rights, while his holiness was issuing orders in opposition to them about the see of St. Andrews and several monasteries.[2] In a letter to the Cardinal St. Mark, it is intimated that the king will not submit to a violation of his privileges.[3] The pope's datary[4] claimed Whithorn Priory, and Cardinal St. Eusebius claimed Arbroath Abbey, and by their letters hindered the settlement of both benefices, and intended to do the same with several other great benefices when they fell vacant, boasting that in former days they had carried

[1] *Letters and Papers of the Reign of Henry VIII.*, vol. ii. part i., No. 218.

[2] *Ibid.* No. 707.—Cf. Nos. 560, 604; vol. ii. part ii., No. 1869.

[3] *Ibid.* vol. ii. part i., No. 220.—The Cardinal St. Mark was Protector of Scotland.

[4] "The office in the papal court whence are expedited the graces, accorded by the pope, which have their effect and are cognisable *in foro externo*," is known as the *dataria*. The datary is sometimes a simple prelate, sometimes a cardinal (*Catholic Dictionary*, pp. 246, 247).

these against the king.[1] In a letter to Leo X., in August 1517, Albany combats the pope's claim to nominate to the abbey of Arbroath, and says that the Scottish Estates have unanimously resolved to oppose any infringement of the rights of the crown.[2] Replying to a letter of Queen Margaret, in October 1515, the lords of council had declared emphatically that "the realm of Scotland has ever been, since the first inhabitation of it, in temporality immediately subject to Almighty God, not recognising none other superior in earth," and that therefore she ought not to provoke the pope to interfere concerning "the office of governance and tutory of the realm."[3] And Andrew Forman, in 1517, as Archbishop of St. Andrews, in resenting the exemption of the dean and prior of the metropolitan cathedral from his authority, asserted as emphatically that "the king and kingdom of Scotland in things temporal, civil and criminal, are subject to the one and eternal God, not to any pope, emperor, or other earthly prince, spiritual or temporal."[4] The pope explained to Francis I., in March 1517–18, that he would confirm the privileges of Scotland if Albany came to Rome and made due obedience in the name of the kingdom.[5] In June 1520, Albany in

[1] *Letters and Papers of Henry VIII.*, vol. ii. part i., No. 707.
[2] *Ibid.* vol. ii. part iii., No. 3629.
[3] Green's *Princesses of England*, iv. 225.
[4] Herkless and Hannay's *Archbishops of St. Andrews*, ii. 154.
[5] Teulet's *Papiers D'État*, i. 15, 16.

rendering that obedience in the name of James v. prostrated himself before Leo and humbly kissed his sacred feet.[1]

Balthasar Stuart, who seems to have acquired considerable influence in Scotland, and who remained in the country for some time after Albany's arrival, no doubt did his best to smooth down the ruffled Scots, and to prevent a breach with Rome.[2] Had his efforts and those of the French king been unsuccessful, the Reformation in Scotland would in all likelihood have preceded that of England.

When at last the people fully realised that they were being oppressed and plundered, not to support religion, but to maintain avaricious and wicked men in luxury and debauchery,[3] when they heard earnest men preach the simple Gospel of Christ, and saw that these preachers lived a purer life, they preferred the new doctrines, overthrew the altars and images which they had once adored, and turned against the clergy, whom they now despised as ignorant and unworthy, and heartily detested for their pitiless exactions.

[1] Robertson's *Statuta*, i. p. cxix.

[2] Thomas Spinelly, the English resident at the Court of the Archduchess in Flanders, regarded Balthasar Stuart as "a subtle and quick fellow, who can full well say one thing and think another" (*Letters and Papers of Henry VIII.*, vol. i. part ii., No. 4725).

[3] In the autumn of 1559, the Protestants declared that their goods and substance had been reft from them by "the Romane Antichrist, and his foirsworne schavillingis," that they might waste "the same upoun thair foull lustis and stynking harlottis" (Laing's *Knox*, i. 405).

VI

PRIMARY CAUSES—BOOKS, BALLADS, PLAYS, PREACHING AND PERSECUTION

Until the spring of 1559, viewed outwardly the Church of Scotland was a great and potent institution, covering the whole land with the perfect network of its organisation, linked and bound together by a skilful and elaborate gradation of offices, endowed with enormous wealth, and wielding almost unlimited power. Through the long centuries it had grown in influence, in wealth, in might, until its top seemed to reach almost unto heaven; but, like a hoary giant of the forest, it was rotten within and doomed to collapse ignominiously before the approaching storm. The decay had been gradual, and its symptoms and effects had been manifested in the immorality, ignorance, irreverence, profanity, credulity, imposture, and rapacity of the clergy. This corruption had been helped, not hindered, by the inordinate wealth of the Church; and the hope of sharing in this wealth may have enabled some needy nobles to decide on their part in the final struggle.

That struggle might have come sooner, save for the memory of the good derived in earlier generations from the Church—the influences which had made for peace, civilisation, and culture; save for the awe with which the people had learned to regard an institution which they believed to be divine; and save for those who, keeping their garments clean, were as the salt of life amidst surrounding corruption. Through these, indeed, the crisis might have been much longer delayed had it not been for the books and pamphlets, the preaching and teaching, and the ballads and plays, which opened the eyes of the people to the enormities of the system under which they were groaning.

When disgusted and repelled by the corruption, the ignorance, and the rapacity of the clergy, the Scots might have lapsed into religious apathy, into infidelity, or into heathenism, had it not been for the counteracting agencies which were at work. There was a deeply rooted, steadily growing opposition to the mediæval corruption of doctrine, as well as to the moral impurity of the Church. The teaching and influence of the Lollards, though long hidden, had like the true leaven never ceased to operate. Though many of these men may have been illiterate they were not all so. Those to whom Bower refers as cherishing the little manuscript books of Wiclif must have had some learning; and Murdoch Nisbet must have had more learning than many of the clergy otherwise he would not have

been able to make his copy of the New Testament.

Light came from the Continent in unexpected ways. Albany's first stay in Scotland extended from May 1515 to June 1517, his second from November 1521 to October 1522, and his third from September 1523 to May 1524. During one or more of these visits, there was among his men-at-arms a gentleman named Monsieur de la Tour, Poictevin, who was afterwards, by sentence of the French Parliament, committed to the flames in the pork-market near Paris for having disseminated several Lutheran errors while in Scotland. Before being burned he saw his servant scourged with whips and deprived of his tongue. The servant, who had also been a Lutheran but had recanted, died of his punishment. The date given for La Tour's martyrdom is Saturday the 26th of October 1525. In 1525, however, the 26th of October fell upon a Thursday, while in 1527 it fell upon a Saturday; and as the entry in the *Journal* is preceded and followed by others of 1527, that may be taken as the correct year.[1] One would like to know more about this steadfast man-at-arms, who suffered a cruel death for doing what he could to spread the truth in Scotland. Even putting his death in 1527 instead of 1525, his martyrdom preceded Patrick Hamilton's by four months, so that, strictly speaking, Hamilton

[1] *Journal d'un Bourgeois de Paris sous le Règne de François Premier*, Société de l'histoire de France, 1854, pp. 326, 327.

was not the proto-martyr of the Scottish Reformation in the sixteenth century.

It is quite likely that there were more Lutherans among Albany's men-at-arms and their servants; and no one can now tell how much they did by precept, example, and the circulation of pamphlets, to help the cause which had been kept alive in Scotland by the Lollards of Kyle. That cause as already mentioned was quietly but greatly reinforced at the close of the first quarter of the sixteenth century by the importation of Lutheran books and Lutheran heresies, and still more by Tyndale's translation of the New Testament.

Even in those days, when so few were educated, the power of the press, especially of the vernacular press, was feared and dreaded by those in authority. Hence the Act of Parliament in 1525 forbidding the importation of Lutheran books;[1] which Act, for the king's "zeile and lufe" to "the Cristyn faith and the Halikirk," was ratified and re-enacted in 1535 with this addition, that none of the lieges should have, use, keep, or conceal any heretical books, but deliver them up to their ordinaries, within forty days, under pain of imprisonment and forfeiture of their goods.[2] On 2nd June 1543, the Regent Arran and lords of council — in order to provide a remedy for the "sclanderous billis, writtingis, ballatis and bukis," that were daily made, written and printed, to the defamation of the estates both spiritual and

[1] *Supra*, p. 33.

[2] *Acts of Parliament*, ii. 341, 342.

temporal—ordained that no man should presume to make, write, or print any such bills, writings, ballads, "diffamatouris," or slanderous books, under pain of death and confiscation of all his movable goods. Printers and others who had such books were charged to destroy and burn them; and, as already forbidden by Parliament, no one was to have or hold any books or works of condemned heretics.[1] The provincial council of 1549 enacted that—

"Every ordinary shall diligently inquire within his own diocese what persons have in their keeping any books of rhymes or popular songs containing calumnies and slanders defamatory of churchmen and church institutions, or infamous libels, or any kind of heresy; and when such have been discovered, they shall be prohibited under the penalties inflicted by Acts of Parliament, and confiscated and burnt; and the use, sale, printing, and reading of the same shall be universally interdicted under the like penalties."[2]

That these Acts did not prevent the publication of books and ballads concerning religion and the clergy is admitted in the preamble of an Act of Parliament of 1st February 1551-52, which narrates that there are "divers prentaris in this realme, that daylie and continuallie prentis bukis concerning the faith, ballattis, sangis, blasphema-

[1] Robertson's *Statuta*, ii. 294, 295. — This Act of Council specially mentions "the new dialoge callit *Pascullus*, and the ballat callit *The Bair*, that ar ellis prentit and sett furtht."

[2] Patrick's *Statutes*, p. 127.

tiounis, rymes, alsweill of kirkmen as temporall, and uthers tragedeis alsweill in Latine as in Inglis toung," not seen, viewed, and considered by the superiors. It was, therefore, ordained that in future no printer presume "to prent ony bukis, ballattis, sangis, blasphematiounis, rymes or tragedeis outher in Latine or Inglis toung," until they were seen and examined by some wise and discreet persons appointed by the bishops, and thereafter a licence obtained from the queen and governor, under pain of confiscation of all the printer's goods and his perpetual banishment.[1]

This legislation was not intended to be a series of mere threats and warnings. The Act of 1525 was passed on 17th July, and on the 7th of next month the king wrote to the Sheriff of Aberdeen and his deputes, informing them that the Bishop of Aberdeen, Gavin Dunbar, had complained to him that there were strangers and others within his diocese who had "bukis of that heretik Luthyr," and favoured his errors and false opinions. The sheriffs were now charged to publish the recent Act of Parliament; to make inquisition for such persons; and to "confisk thair gudis" for the use of the king.[2] It was probably for a breach of the stringent Act of 2nd June 1543 that John Scrymgeour, Constable and Provost of Dundee, was charged under pain of treason in 1547, to

[1] *Acts of Parliament*, ii. 488, 489.

[2] *Extracts from the Council Register of Aberdeen*, 1398–1570, Spalding Club, pp. 110, 111.

apprehend "Johne Scott, prentar, and to bring and present him within the castell of Edinburgh, and to deliver him to the capitane thairof, ta be punist for his demeretis and faltis."[1] And, on the 21st of September 1556, the queen-regent commanded the magistrates and town council of Edinburgh to search diligently for the names of those "evil inclinit personis" of their town, who had lately set forth "certane odious ballettis and rymes," and had taken down and contemptuously broken "diveris imagis." The magistrates and council were charged to give up the names of the delinquents in writing to Archbishop Hamilton, that they might be used "conforme to the statutis of the Kirk"; and were assured that if they did not do their utmost to bring the same to light, they would be esteemed by her as favourers and maintainers of such persons, and underlie the same punishment.[2]

The reiterated and determined attempts to suppress these publications show that their influence was being felt in the country. Some of them were printed on the Continent, some in England, and some at home. John Gau's "Richt Vay to the Kingdom of Heuine" was printed at Malmö, in Sweden, in 1533.[3] In the

[1] *Register of the Privy Council of Scotland*, i. 69.

[2] *Extracts from the Records of the Burgh of Edinburgh*, 1528–1557, p. 252.

[3] Gau's *Richt Vay*, which is substantially a translation from the Danish of Pedersen, was reprinted under the editorial care of Professor Mitchell for the Scottish Text Society from the only known copy.

same year the tracts and books of Alesius began to issue from the German press.[1] In 1535 (or rather on the 20th of January 1535–36) there was printed at Paris by Peter Congeth a tract entitled, "An confortable exhortation of oure mooste holy Christen faith and her frutes written (vnto the Christen bretherne in Scotlande) after the poore Worde of God." The author, John Johnsone, describes himself as "an humile professor of holy diuinite."[2] Sir David Lyndsay's "Tragedie of the Cardinall," with an account of "The martyrdom of Maister George Wyschart," issued from the press of John Daye and William Seres at London, about the end of 1547.[3] Wishart's translation of "The Confescion of the Fayth of the Sweserlandes" was printed, it is believed, by Thomas Raynalde at London, in or about 1548.[4] The first tract of Knox's committed to the press was, "An Admonition or Warning that the faithful Christians in London," etc. This bears the imprint, "From Wittonburge by Nicholas Dorcastor, anno M.D.LIIII. the viii. of

[1] For a list of the works of Alesius, see Mitchell's *Scottish Reformation*, 1900, pp. 301–307.

[2] There is an imperfect copy of this excessively rare pamphlet in the British Museum—press-mark, C. 37. a. 28 (7). My attention has been drawn to it by Dr. William Carruthers, who describes it as an 8vo, not paged, signatures A to F, five leaves of B and two of C being awanting. As Dr. Carruthers says, Johnsone was most expert in the New Testament, the book indeed being so full of quotations from it that, as he said himself, the readers would not find the word of man, but the very true Word of God.

[3] Laing's *Lyndsay*, iii. 262.

[4] *Wodrow Miscellany*, p. 6.

May." In the same summer this was reissued with the new title, "A Godly Letter sent too the fayethfull in London," etc., and professing to be "Imprinted in Rome before the Castel of S. Aungel at the signe of Sainct Peter. In the moneth of July in the yeare of our Lord 1554. (?)" Another tract by Knox, entitled "A Confession & Declaration of Praiers," was issued in the same year with the same fictitious imprint. Both of these bear the device of Hugh Singleton, an English printer, who probably falsified the imprint to avert suspicion and eschew danger, and who may have added the query after the date to salve his conscience.[1]

It is sad to think that not a single copy is known to exist of any one of the obnoxious bills and ballads printed in 1543, or of the ballads, songs, and rhymes referred to by Parliament in February 1551–52, as being daily printed by "divers prentaris" in Scotland. Those which escaped the fire would be thumbed to pieces, their very popularity proving their destruction. Doubtless many of them were broadsides, and though these early issues have perished, it may be assumed that some of the pieces are included in the collection known as *The Gude and Godlie Ballatis*, the earliest surviving copy of which

[1] Laing's *Knox*, iii. 81, 159–164.—Another of Knox's tracts, "A Faythful Admonition," bears to have been "Imprynted at Kalykow the 20 daye of Julij 1554" (*ibid.* iii. 254, 258).

was printed in or about 1567. In some of these homely ballads and songs, biting satire goes hand in hand with an earnest evangelical spirit; and by them, no doubt, many were not only turned against the papacy but led into the truth. To the brothers Wedderburn of Dundee — James, John, and Robert—these ballads, and the translations of the Psalms printed with them, have been mainly assigned. They were students at St. Andrews, James and Robert in St. Leonard's College; John in the Pædagogium in Major's time, and possibly also in St. Leonard's under Gavin Logie. John and Robert may have met Patrick Hamilton, who gained the martyr's crown while they were in St. Andrews. All the three brothers had to seek safety in exile.[1] Of the eldest, Calderwood has said—

"This James had a good gift of poesie, and made diverse comedeis and tragedeis in the Scotish tongue, wherein he nipped the abusses and superstitioun of the time. He composed in forme of tragedie the beheading of Johne the Baptist, which was acted at the West Port of Dundie, wherin he carped roughlie the abusses and corruptiouns of the Papists. He compiled the Historie of Dyonisius the Tyranne, in forme of a comedie, which was acted in the play-feild of the said burgh, wherin he likewise nipped the Papists. He counterfooted also the conjuring of a ghaist, which

[1] Mitchell's *Gude and Godlie Ballatis*, Scottish Text Society, pp. xiv.–xxxii.

was indeed practised by Frier Laing beside Kingorne."[1]

Keillor, a Black-friar, set forth the history of Christ's passion in a play, which "he boith preached and practised openlie" at Stirling, on the morning of a Good Friday, in the presence of James v. In this play things were so vividly expressed that the simplest people understood and confessed that as the priests and pharisees persuaded the Jews to refuse Christ and caused Pilate to condemn Him, so the bishops and monks now blinded the people and persuaded princes and judges to persecute those who professed Christ's Evangel. This Good Friday cannot have been later than that which fell on 19th April 1538, for Keillor paid the penalty of his plain speaking and temerity on the 1st of the following March, when he and other four martyrs were burned on the Castlehill of Edinburgh in the king's presence.[2]

In a rhyming epistle, the Earl of Glencairn indulged his gift of irony at the expense of Thomas Douchtie, "the holye armite of Allarit." It has been preserved by Knox, who deemed it worthy of a place in his *History*.[3] This epistle, like the

[1] Calderwood's *History*, i. 142.—None of these plays has been preserved, unless, perhaps, "the conjuring of a ghaist" may be identified with the interlude, "the Laying of Lord Fergus's Gaist" (Laing's *Remains of the Ancient Popular and Romance Poetry of Scotland*, 1885, pp. 306–310). The play-field of Dundee was at the West Port (Maxwell's *Old Dundee prior to the Reformation*, p. 384). For Friar Laing, see *supra*, p. 157.

[2] Laing's *Knox*, i. 62, 63.

[3] *Ibid.* i. 72–75.

Gude and Godlie Ballatis, was fitted to reach the man in the street; but Buchanan in his satires of the Franciscans—the *Somnium*, *Palinodia*, and *Franciscanus*—appealed only to the learned. The wrath of those, whose hypocrisy he exposed, whose flagrant vices he lashed, was none the less on that account. These satires seem to have been circulated in manuscript long before they were printed.[1] Dunbar had furnished the idea and the substance of the *Somnium* in his poem *The visitation of St. Francis.*

No one did more than, indeed no one did so much as, Sir David Lyndsay to shake the faith of his countrymen in the pre-Reformation Church and its clergy, and to bring both Church and clergy into deserved contempt, by

> "The flash of that satiric rage,
> Which, bursting on the early stage,
> Branded the vices of the age,
> And broke the keys of Rome."

James v. had declined to follow the example of Henry viii. in suppressing the monasteries and casting off the supremacy of the pope; but after seeing the *Satyre of the Thrie Estaitis* performed at Linlithgow on the 6th of January 1539–40, he

[1] The most celebrated of these, the *Franciscanus*, was not printed until 1566, and as the *Fratres Fraterrimi* probably not until 1568 (*George Buchanan, Glasgow Quatercentenary Studies*, pp. 430, 432). The author mentions that he rehandled it before it was printed, but Dr. George Neilson has given reason for believing that neither by its rehandling nor expansion has its historic substance been essentially changed (*ibid.* pp. 297–332).

charged the Archbishop of Glasgow (who was then chancellor of the kingdom) and several other bishops who were present to reform their ways and manner of living, else he would send six of the proudest of them to his uncle of England, and as they were treated, so would he treat all the others who did not amend.[1]

Though Lyndsay did much more to expose and to overthrow what was wrong than to set forth and strengthen what was right, yet in some of his pieces the way of life is clearly pointed out. So in *Kitteis Confessioun*, after indicating the dangers and gross abuses of auricular confession he says—

> "To the greit God Omnipotent
> Confess thy syn, and sore repent;
> And traist in Christ, as wrytis Paule,
> Quhilk sched His blude to saif thy saule,
> For nane can thee absolve bot He,
> Nor tak away thy syn frome thee."[2]

A craftsman of Perth, who had one of Lyndsay's books, taught it to his children, and they in turn to their school companions. When a friar began to speak of some miracles and to denounce the Protestant preachers, the scholars of the grammar school hissed so vigorously that he left the pulpit in fear. The master of the school, Andrew Simson, then "a zealous Papist," would have punished the boy who had the book as the cause

[1] *State Papers of Henry the Eighth*, v. 170.
[2] Laing's *Lyndsay*, i. 137.

of the disturbance, had not the offender asked him to read the book before inflicting chastisement. The request was reasonable. Simson read the book, was convinced that everything in it was true, and became an eminent minister in the Reformed Church of Scotland.[1]

James Melville mentions that when he was a boy he derived great benefit from reading the Bible, and from his eldest sister's reading and singing from "David Lyndsayes book" passages "concerning the latter judgment, the peanes of hell, and the joyes of heavin," whereby she caused him both to "greit[2] and be glad." Writing so long afterwards, he quotes four lines apparently from memory—

> "Alas! I trimble for to tell
> The terrible torments of the hell;
> That peanful pit who can deplore?
> Quhilk sall endure for evermore."

Unfortunately Lyndsay's humour was as coarse in expression as his satire was keen; but in such an age its very coarseness increased its popularity

[1] Row's *History*, Wodrow Society, pp. 7–9.

[2] *Greit* = weep.

[3] Melville's *Autobiography and Diary*, Wodrow Society, pp. 18, 19.—The four lines, quoted with tolerable accuracy, are from the *Dialog betuix Experience and ane Courteour*, the first edition of which was printed in 1554, not at "Copmanhouin" (*i.e.* Copenhagen) as the imprint bears, but at St. Andrews. Two editions were printed in Paris in 1558, another professedly at "Copmanhouin" in 1559, and one in London in 1566. One of these now rare editions it must have been that Melville's sister had. Of the 6333 lines in the *Dialog* very few are in the least degree indecorous, although clerical profligacy is pungently exposed.

and power. In the *Gude and Godlie Ballatis* there are a few lines, but only a few, to which the fastidious might object on the score of indelicacy.

Among her Reformers, Scotland had none who, for sheer intellect, could be compared with Calvin, nor, for commanding power, with Luther; but among them were able and scholarly men, many men of intense devotion and zeal, and at least one born leader. These men were instruments or agents rather than causes of the Reformation; but that Reformation was a *work*, as the tombstones of the Covenanters emphatically declare, and the living Reformers were prime factors in the work; and the truths they held and taught were its first and real cause. It is necessary, therefore, to consider their teaching and its effects.

Patrick Hamilton, unlike some of the nobles of the following generation, had no sinister object in view, no hope of aggrandisement, in his opposition to a Church which was hopelessly corrupt. His thirst for knowledge is evinced by the fact that he had studied at Paris and Louvaine before he was incorporated in St. Andrews University on the 9th of June 1523. Next year he was received into the faculty of arts;[1] and by and by he must have spoken with considerable freedom, for, early in 1527, James Betoun, then Archbishop of St.

[1] When received into the faculty of arts on the 3rd of October 1524, he was described as Abbot of Ferne, in the diocese of Ross. As he was not so designated on the 9th of June 1523, it may perhaps be inferred that he had been appointed to Ferne after that date.

Andrews, found that he was infamed with heresy, and decreed that he should be summoned and accused. To what extent he had at that time adopted the principles of the Reformation is not known; but, having fled to the Continent, he, in the summer of that year, set forth, at Marburg University, a series of theses in Latin, which he maintained with great learning and fervency.[1] These theses are believed to have been the original form of Hamilton's little treatise happily preserved in John Frith's translation known as *Patrick's Places.*[2] In Frith's opinion, it contains "the pith of all divinity," and it is of special interest as the earliest doctrinal production of the Scottish Reformation, and as Hamilton's "doctrinal manifesto." It is, however, much more than a mere doctrinal treatise or manifesto, for it overflows with earnest piety, and with evident desire to bring others to the feet of the Master. It is also valuable for the unconscious revelation the writer gives of his own disposition and personal faith. Here are some of his sentences—

[1] Marburg University was inaugurated on the 30th of May 1527, and Hamilton's name was enrolled that day (Lorimer's *Hamilton*, p. 90). He was the first who there set forth theses to be defended (*ibid.* p. 96; Cattley's *Foxe*, iv. 558).

[2] There are three early editions of *Patrick's Places* which were probably printed before 1540 (Laing's *Knox*, i. 20). The tract was inserted by Foxe in his *Acts and Monuments*, and by Knox in his *History of the Reformation.* Foxe says: "What those propositions and conclusions were, *partly* in his treatise hereafter following, called Patrick's Places, may appear" (Cattley's *Foxe*, iv. 558). The word *partly* seems to imply that in Foxe's opinion the translation did not include the whole of the theses.

"The faith of Christ is to believe in Him; that is, to believe His Word, and believe that He will help thee in all thy need, and deliver thee from all evil."

"Faith maketh a man a member of Christ; incredulity maketh him a member of the devil."

"Faith cometh of the Word of God; hope cometh of faith; and charity springeth of them both."

"Faith receiveth God; hope receiveth His reward; charity loveth her neighbour with a glad heart, and that without any respect of reward."

"Whosoever believeth or thinketh to be saved by his works denieth that Christ is his Saviour, that Christ died for him, and that all things pertain to Christ. For how is He thy Saviour, if thou mightest save thyself by thy works, or whereto should He die for thee, if any works might have saved thee?"

"I condemn not good deeds, but I condemn the false trust in any works; for all the works wherein a man putteth any confidence are therewith poisoned, and become evil. Wherefore, thou must do good works, but beware thou do them not to deserve any good through them."

When Patrick Hamilton, imbued with such principles and impelled by loving zeal, returned to Scotland in the late autumn of 1527 his preaching made many converts. In the words of Archbishop Spottiswoode: "At his return, wheresoever he came, he spared not to lay open the corruptions of the Roman Church, and to shew the errors crept into the Christian religion; whereunto many gave ear, and a great following he had both for his

learning and courteous behaviour to all sorts of people."[1]

The cruel death to which he was subjected—for he was roasted rather than burned alive—and the way in which he met it, had also a great influence for good. People could hardly help being angry and horrified at seeing a young man of blameless life[2] so treated, while so many of the clergy, including some of those who sat in judgment upon him,[3] were allowed to live abandoned lives without punishment. "The grave testimony of his blood," says Foxe, "left the verity and truth of God more fixed and confirmed in the hearts of many than ever could after be plucked away."[4] And Knox tells that, not only in St. Andrews, where the martyrdom had taken place (29th February 1527-28),

[1] Spottiswoode's *History*, i. 124.

[2] Moved by his hatred of the hypocrisy of the Church, he had, shortly before his death, married a young lady of noble rank. The knowledge of this fact rests on the unimpeachable testimony of Alesius (Lorimer's *Hamilton*, p. 123). When David Laing came to know this, he withdrew the suggestion he had previously made, that Hamilton's daughter was illegitimate (Laing's *Knox*, i. 515; vi. 664).

[3] James Betoun, Archbishop of St. Andrews, presided at the trial. Among those present, according to the sentence, were the following "most reverend fathers in Christ," David Betoun (afterwards Cardinal), Bishop Chisholm of Dunblane, Patrick Hepburn (afterwards Bishop of Moray). These three were notorious profligates (*supra*, pp. 45–48, 56–58). Among the most reverend fathers were also John Rowle, Prior of Pittenweem, George Durie, Abbot of Dunfermline, and John Hepburn, Bishop of Brechin (Cattley's *Foxe*, iv. 561). James Kirkcaldy of Grange described Rowle to James v. as "a manifest forcer of wemen, and the gretest defouler of wyves and maidnes that was in Scotland" (Sir James Melville's *Memoirs*, Maitland Club, p. 66). Four of his bastard sons were legitimated (*infra*, pp. 551, 555). Durie had five legitimated (*infra*, pp. 553,558). John Hepburn had four legitimated (*infra*, p. 552).

[4] Cattley's *Foxe*, iv. 559.

but throughout almost the whole of Scotland, when men heard of his condemnation and death they began to inquire why he was burned, and to question the justice of his sentence.

"And so within schort space many begane to call in dowbt that which befoir thei held for a certane veritie, in so much that the Universitie of Sanctandrose, and Sanct Leonardis Colledge principallie, by the labouris of Maistir Gawin Logy, and the novises of the abbay, by the suppriour, begane to smell somwhat of the veritie, and to espy the vanitie of the receaved superstitioun. Yea within few yearis eftir, begane baith Black and Gray Frearis publictlie to preache against the pride and idile lief of bischoppis, and against the abuses of the whole ecclesiasticall estaite."[1]

It was when a proposal was made that several of the more outspoken should be burned, that an intimate friend of the archbishop's gave him this shrewd advice—

"My lord, yf ye burne any mo, except ye follow my counsall, ye will utterlye destroy your selves. Yf ye will burne thame, lett thame be burnt in how sellarris; for the reik of Maister Patrik

[1] Laing's *Knox*, i. 36.—Calderwood, in adopting this statement, identifies John Wynram as the sub-prior of the abbey of St. Andrews, and introduces this sentence: "Mr. Gawin Logie instilled into his schollars the truthe secreitlie, which they, in processe of time, spread through the whole countrie, wherupon did arise a proverbe. When anie man savoured of true religioun, it was said to him, 'Yee have drunken of Sanct Leonard's well'" (Calderwood's *History*, i. 83).

Hammyltoun hes infected as many as it blew upoun."[1]

The influence in Scotland of Patrick Hamilton's teaching and death was not limited to widespread doubting of the justice of his condemnation, or even to the doubting of doctrines previously held as certain verities. Not a few accepted his teaching. Some of these proved to be capable defenders of it; some died for it. One of his first converts, and one of the first to suffer for his principles, was Alexander Alane, a canon of the Augustinian Priory of St. Andrews. He had tried hard, but unsuccessfully, to win Hamilton back to orthodoxy. Their discussions opened Alane's eyes and shook his confidence. While his judgment wavered, he would neither approve of the proceedings against the martyr, nor condemn his doctrine. Having been appointed to preach before a synod, a reference he ventured to make to debauched priests roused the ire of his prior, the dissolute Patrick Hepburn, who soon found a pretext for throwing him into a foul prison, where his health gave way. When at last, through the help of his fellow-canons, he managed to escape, he left Scotland, and—after wandering in Denmark, France, Belgium, and Germany — arrived at Wittemberg about the close of 1531. Thereafter he was known not as Alane, but as Alesius, that is, the fugitive or wanderer. Though he

[1] Laing's *Knox*, i. 42. *How sellarris* = hollow or deep cellars, *reik* = smoke.

never returned to Scotland, he laboured to secure for his countrymen the inestimable privilege of reading the Word of God in their own tongue.[1]

Alexander Campbell, the Prior of the Black Friars in St. Andrews, had conversed secretly with Patrick Hamilton, and owned to him that he agreed with him in almost everything; and yet harassed him at the stake, persistently and vehemently crying to him while in bodily agony, "Convert, heretic; call upon our Lady, say *Salve Regina.*" When he would not cease, Hamilton reminded him of what he had formerly said, and appealed him to the judgment-seat of Christ.[2] Ere long he died; and was succeeded

[1] He has been briefly noticed by Knox and Calderwood, who both mention him by his new name—Alesius. Strangely enough, after he was dead, he got still another name—Aless or Ales. His real name, like himself, had been forgotten, and this latter name was drawn by inference from Alesius. Even Christopher Anderson, who rescued his memory from oblivion, thought that it was by a blunder of the printer that he was called Alane on the title-page of the translation of one of his works; and in the year of grace 1904, Professor Maitland (*The Cambridge Modern History*, ii. 555) still refers to him as Aless. Alesius was appointed professor of divinity at Frankfort-on-the-Oder, and afterwards held a chair in Leipsic. The most accessible sources of information concerning him are Christopher Anderson's *Annals of the English Bible*, 1845; Lorimer's *Patrick Hamilton*, 1857, and *Scottish Reformation*, 1860; and Mitchell's *Scottish Reformation*, 1900. See also *infra*, pp. 216–218.

[2] This incident is mentioned by Foxe, Knox, George Buchanan, Spottiswoode, and Calderwood. Foxe states that when the information was being collected for him in Scotland, in 1564, there were faithful men of credit still alive who had heard the martyr make the appeal, and who remembered that the friar died before the day appointed. Pitscottie, who represents Campbell as accuser at Hamilton's trial, says nothing of the appeal, but affirms that, at the execution, he was so alarmed by a flame that he wandered about distracted for forty days, and then died.

as prior by Alexander Seaton, the king's confessor, a fearless preacher, who, during a whole lent, taught the commandments of God only, ever beating into the hearers' ears that God's law had been obscured by the traditions of men. His usual propositions were that Christ is the end and perfection of the law; that there is no sin where God's law is not violated; and that it is not in man's power to satisfy for sin, but that the remission thereof comes by unfeigned repentance, and by faith apprehending God the Father, merciful in Christ Jesus His Son. This rousing preacher had to flee to escape persecution.[1]

James Melville, or Melvin, an Observant Friar, had, in 1526, boldly summoned the Bishop of Moray to the court of the Archbishop of St. Andrews, and being admonished to desist, he, without submitting to his superiors, had appealed to the pope, fixed his appeal on the doors of the churches of St. Andrews, and, taking ship in that city, had left Scotland. To escape punishment he had, it was alleged, left the order and joined the Conventual Friars. He had, however, apparently returned to Scotland, for, in April 1527, Clement VII. revoked a letter he had written in his favour, and asked that he might be sent to prison, or banished from Scotland until he obtained licence from his holiness to

[1] Laing's *Knox*, i. 45–52.—In the city archives of St. Andrews there is an indenture, or contract of excambion, dated 9th January 1530–31, which proves that Seaton was Prior of the Black Friars monastery in that city at that date.

return.[1] In March 1535, the king, at the request of the Observant Friars, begged Paul III. not to restore him to the order, as he had returned from Germany infected with Lutheranism, which he was attempting to spread among the ignorant people.[2]

For affirming that Patrick Hamilton's doctrines were true and that he was a martyr, Henry Forrest, who was in minor orders, was thrown into the sea-tower of St. Andrews Castle, and afterwards committed to the flames, which he endured with constancy and great patience. He is supposed to have been the Henry Forrest who was a student at St. Leonard's College in 1526, and therefore, in all probability, a witness of Hamilton's martyrdom.[3]

Among the Protestants summoned to appear at Holyrood in August 1534 were James and Catharine Hamilton, the brother and sister of the martyr. James, who was Sheriff of Linlithgow, had, it seems, been previously dealt with, and had abjured his heresies; and on being now

[1] *Letters and Papers of Henry VIII.*, vol. iv. part ii., Nos. 3019, 3020, 3021.—Possibly certain briefs said to have been surreptitiously obtained, and which fell into Wolsey's hands, may have been in Melville's favour (*ibid.* Nos. 3347, 3348); and those may have been against him which Wolsey obtained for the two friars whom the Scottish Franciscans sent to Rome (*ibid.* No. 4084).

[2] *Ibid.* vol. viii., No. 469.

[3] Laing's *Knox*, i. 52, 53, 516–518; Cattley's *Foxe*, iv. 578, 579.—Knox, who owns that he knew little about Forrest, says that the only crime for which he was condemned was that "he had ane New Testament in Engliss." This may have been one of the articles of his indictment, but it is not mentioned by Foxe. Forrest suffered in or about 1533.

summoned fled. He was condemned in absence, and his goods, excepting his wife's dowry, confiscated. He was excommunicated as a relapsed heretic and protector of heretics, possessing forbidden books, denying purgatory, invocation of saints, etc., and using the Lord's Prayer publicly in the vernacular; was declared contumacious for non-appearance on citation; and was left to the secular arm. Catharine faced the tribunal; but the king, who was present, induced her to recant.[1] The conduct of the three Hamiltons was typical. Patrick was followed to the stake or the scaffold by twenty or thereby of his countrymen; but, like James, many fled; and, like Catharine, not a few recanted.

The better known of these martyrs are Thomas Forret, George Wishart, and Walter Myll. The

[1] According to Foxe, the king advised James Hamilton to flee and not appear, and caused Catharine to recant (Cattley's *Foxe*, iv. 579). The king is known to have written (on the 29th of March 1537, *i.e.* three months after marrying his first queen) to Paul III., on James Hamilton's behalf, saying that he now appeared to be penitent, and hoping that, if found constant, his holiness would be lenient to him (Theiner's *Monumenta*, p. 607). A pardon from the pope was presented to Parliament in August 1546, and received with the stipulation that it would neither affect the rights of those to whom his lands had been given, nor the queen's rights (the lands being then in non-entry), until tried by law (*Acts of Parliament*, ii. 469, 470, 472). In June 1563, the general assembly of the Reformed Church of Scotland pronounced the articles, for which James Hamilton had been condemned, "to be good and godlie, and nawise hereticall" (*Booke of the Universall Kirk*, Bannatyne Club, i. 36). The articles are there summarised, and also in a notarial copy of the sentence against him (*Letters and Papers of the Reign of Henry VIII.*, vol. vii., No. 1184). Writing to Thomas Cromwell in September 1534, he said that half the allegations in the sentence were false (*ibid.*).

others are less famous. David Straton and Norman Gourlay suffered near Edinburgh in August 1534, being, says Knox, "boyth hanged and brunt according to the mercy of the Papisticall Kirk." Duncan Simpson, a chaplain, two Black-friars, named Keillor and Beverage, and Robert Forrester were burned on the Castlehill of Edinburgh with Thomas Forret, on the 1st of March 1538–39. It was apparently in the following summer that Jerome Russell, a Cordelier Friar, and Kennedy, a youth of "excellent injyne in Scotish poesye," were sent to the stake in the diocese of Glasgow. In January 1543–44, Robert Lamb, William Anderson, James Hunter, James Ronaldson, and Ronaldson's wife, Helen Stark, suffered martyrdom at Perth. About the same time John Roger, a Black-friar, was secretly murdered in the sea-tower of St. Andrews Castle. And in the summer of 1550, Adam Wallace was burned on the Castlehill of Edinburgh. Of some of these witnesses for the truth very little is known, and of others still less. In none of the contemporary histories is Andrew Alexanderson mentioned. From an entry in the *Lord Treasurer's Accounts*, and another in the *Register of Privy Seal*, it is learned that he was convicted of heresy, "and justifyit to the deid for the samyn," before the 23rd of August 1538.[1] And the *Lord Treasurer's Accounts* have, by an incidental reference, preserved the record of a martyrdom in Cupar,

[1] M'Crie's *Knox.*, 1855, pp. 314, 316.

though not the martyr's name—"the tyme that the manne was brynt for heresy in Cwper," May 1539.[1]

These martyrdoms in various parts of the country prove that, in spite of Parliament and the king, in spite of provincial councils and inquisitors, Protestantism was spreading; and though these martyrdoms, with the exception of John Roger's, were designed to warn and terrify the populace, that object was not always gained. In that century as in the following, generous and heroic souls were no doubt stirred to their depths by the sight of earnest men calmly and fearlessly facing a cruel death in the strength and by the grace of Him whom they loved and served.[2] The teaching of some of these men must also have helped greatly to advance the cause they had at heart. Knox relates that John Roger had fruitfully preached Christ Jesus to the comfort of many in Angus and Mearns;[3] and, in May 1543, the magistrates and town council of Aberdeen had agreed, at the Regent Arran's request, to give friar John Roger and friar Walter Thomson three shillings a day, "with ane honest chalmer," for "preching and teching of the trew Word of God," and for praying daily for the

[1] Pitcairn's *Criminal Trials*, i. 297.*

[2] It was what he saw at the execution of many of the covenanting martyrs, and especially at Donald Cargill's, that determined James Renwick to throw in his lot with the suffering remnant (Shield's *Life of Renwick*, 1724, p. 12).

[3] Laing's *Knox*, i. 119. *Angus and Mearns* = Forfarshire and Kincardineshire.

regent, for the realm, and for the good town of Aberdeen.[1]

Thomas Forret, while a canon of Inchcolme, had been converted by reading one of Augustine's books, and turned several of the younger canons, "but the old bottells," he said, "would not receave the new wine." After becoming vicar of Dollar, he preached every Sabbath, and taught his flock the ten commandments. He penned a little catechism, which is said to have led many to embrace the truth; and when pardoners came to his parish with their wares he faithfully warned his people that these men were deceivers; and that no pardon for sin could come from the pope, or from any other, but only by the blood of Christ.[2] The

[1] *Extracts from Council Register of Aberdeen*, 1398–1570, p. 189.

[2] Calderwood's *History*, i. 127–129.—Tetzel was by no means the first pardoner who over-puffed the value of indulgences. One of the Scottish provincial statutes of the thirteenth century runs thus:—"Since certain pardoners lead astray the minds of the simple people by illusive statements of various kinds: we ordain that when any pardoner comes to a church, he that is officiating in that church on that day shall reverently explain to his parishioners the mission of the said pardoner, according to what is contained in the letter [he brings] from our lord the pope and the ordinary, so that he may in no wise exceed the tenor of the said letter. But let him on no pretext allow the said pardoner to come within the same church on the same business on any other day within that year" (Patrick's *Statutes*, p. 24). In his *Satyre of the Thrie Estaitis*, Lyndsay exposes the nefarious wiles and ways of Sir Robert Rome-raker,

> "Ane perfyte publike pardoner
> Admittit be the paip."

Archbishop Grindal, in telling how in past times men prepared for death, says: "Some redeemed for money great plenty of indulgences from Rome, and he that had the greatest plenty of them, to be cast with him into his grave when he was buried (which I myself have seen done), was counted the best prepared for death" (Grindal's *Remains*, Parker Society p. 29).

influence of such a man, who is known to have been specially kind to the sick poor, must have been very great.

Still greater was the impression made by the teaching and death of George Wishart, who was described by one of his English pupils as a man of tall stature, black haired, long bearded, comely of personage, courteous, lowly, glad to teach, desirous to learn, and well travelled.[1] In Knox's opinion, he was not only singularly learned in godly knowledge and all honest human science, but clearly illuminated with the spirit of prophecy, and more richly endowed with graces than any one ever heard of before within the realm.[2] Though he knew that Cardinal Betoun was thirsting for his blood, he preached in 1545 over a large part of Scotland, and proved himself to be a son of consolation as well as a son of thunder. Through his ministrations, the plague-stricken inhabitants of Dundee ceased to fear death.[3] The common people always desired to hear him speak,[4] and they appear to have flocked to hear him, save in Haddington immediately before his arrest.[5] On one occasion he preached for more than three hours to a multitude gathered around him on an Ayrshire muir. The word was precious in those days, else the audience would not have listened so long. Some idea of the searching and practical

[1] Cattley's *Foxe*, v. 626.
[2] Laing's *Knox*, i. 125.
[3] Laing's *Knox*, i. 130.
[4] Cattley's *Foxe*, v. 634.
[5] Laing's *Knox*, i. 136–138.

nature of his preaching may be inferred from an incident thus recorded by Knox—

"In that sermoun, God wrought so wonderfullye with him, that ane of the most wicked men that was in that countrey, named Laurence Ranckin, lard of Scheill, was converted. The tearis rane from his eis in such habundance that all men wondered. His conversioun was without hipochrysye, for his lyif and conversatioun witnessed it in all tymes to come."[1]

Wishart's theological position can be ascertained from his translation of the Former Confession of the Helvetian Churches,[2] and from the answers he gave to the articles with which he was charged at his trial. He had taught in Cambridge, and, like Patrick Hamilton, had travelled on the Continent. At his trial he incidentally mentioned that he had sailed on the Rhine.[3]

By that trial, Cardinal Betoun and Gavin Dunbar, Archbishop of Glasgow, who had long been at enmity, were reconciled.[4] But barely three months after Wishart's martyrdom, the cardinal was slain in his own castle, from which he had gloated over the dying agonies of his victim; and one of the resolute men who seized the castle told him that they were sent from God

[1] Laing's *Knox*, i. 128, 129.

[2] *Wodrow Miscellany*, pp. 1–23.

[3] Cattley's *Foxe*, v. 628–634; Laing's *Knox*, i. 149–171.—Bishop Lesley says that Wishart "had remaned long in Germanie" (*History*, Ban. Club, p. 191).

[4] Laing's *Knox*, i. 145–148.

to revenge Wishart's blood.[1] With Betoun fell much of the political power of the papacy in Scotland, for, although John Hamilton, his successor in the primacy, could rival him in uncleanness, he was neither so unflinching nor so astute.

Walter Myll's influence as a preacher was very much less than Wishart's, but as a martyr it was much greater. The unsparing cruelty, which consigned to the flames for his opinions a frail old man over four-score years, evoked curses on the persecuting Church, and the deepest sympathy with the steadfast and courageous victim. "Ye shall know," he said to the tribunal which condemned him, "that I will not recant the truth, for I am corn, I am no chaff; I will not be blown away with the wind, nor burst with the flail, but I will abide both." His death (28th April 1558) rang the knell of the papacy in Scotland, and out of his ashes sprang thousands of Protestants.[2]

For most of the martyrdoms in Scotland preceding the Reformation, Cardinal Betoun was chiefly responsible, but Archbishop Hamilton took credit for bringing Adam Wallace to the stake, and for Walter Myll's death he and

[1] Laing's *Knox*, i. 177.—Many attempts have been made to implicate Wishart in the plots against the cardinal, but all these attempts have been unsuccessful. I have discussed the matter in the *Contemporary Review* for September 1898.

[2] Cattley's *Foxe*, v. 644–647; Laing's *Knox*, i. 307, 308, 550–555; Spottiswoode's *History*, i. 191; Petrie's *History*, ii. 191.

Patrick Hepburn—two rotten pillars of a rotten cause—were principally blamed.[1] Only three weeks before Myll's martyrdom, the archbishop—in urging the Earl of Argyll to put away his heretical chaplain, John Douglas—alleged that the queen, the clergy, and the spiritual and temporal estates murmured greatly against him, as primate and legate, for tolerating such persons in the realm; and that—regarding himself as responsible to God for the prevention of heresy—honour and conscience forbade him to "thole" Douglas.[2] When he wished, however, in 1554, to get his powers extended at Rome, and the exemption revoked which had been granted to the Archbishop of Glasgow, he spoke as if he required no queen, no clergy, no spiritual or temporal estate to hound him on against heretics—

"Since a great part of the diocese of Glasgow has been recently infected with heresies, and, both during the life of the said late Gavin, the last Archbishop of Glasgow, and when the see was vacant,

[1] Laing's *Knox*, i. 307, 308, 360.

[2] *Ibid.* i. 276-280.—In his reply the earl thus thrust at the archbishop's failings: "I wold manteane na man in heresey or errour. Your lordschip regardis your conscience in the punishement thairof. I pray God that ye sua do, and examyn weall your conscience. He [*i.e.* Douglas] preaches aganis idolatrie: I remit to your lordschippis conscience yf it be heresye or not. He preaches aganis adulterie and fornicatioun: I referr that to your lordschippis conscience. He preaches aganis all maner of abuses and corruptioun of Christes synceir religioun: I refer that to your lordschippis conscience. My lord, I exhorte yow, in Christis name, to wey all thir effaris in your conscience, and considder yf it be your dewitie also, not only to thole this, but in lyk maner to do the same" (*ibid.* pp. 286, 287).

the greatest scandals were perpetrated against the Catholic faith, nor was it in the power of the see of Glasgow and its suffragans to resist their might, yet the present Lord Archbishop of St. Andrews, in his metropolitan and primatial right, visited the same diocese and purged it of evil arch-heretics. In proof of this, he himself in his own proper person stormed the place of Ochiltree, and in spite of its owner dragged from thence to bonds and imprisonment a certain apostate, Macbraire by name, an arch-heretic, and mulcted his supporters in heavy penalties. Likewise another man, called Wallace [*Vallasium*], a native of the same diocese, professing heretical opinions and persisting in his heresy, being convicted and condemned by a public convention of all orders of prelates in the kingdom, he delivered to the secular court to be burned, and thus he caused the plague of heresy to be punished, which the see of Glasgow was quite unable to do."[1]

If the archbishop ever felt inclined to boast of his part in condemning Walter Myll, it is not at all likely that his inclination was long-lived, for, as the 1568 editor of Lyndsay put it, "fra that fyre rais sic ane stew, quhilk struke sic sturt to thair stomokis, that they rewit it ever efter."[2] From Quintin Kennedy's *Compendius Tractive*, it is learned that in 1558, the year of Myll's martyrdom, men murmured against the Kirk, saying that it punished heresy more cruelly than

[1] *Liber Officialis Sancti Andree*, p. 167.

[2] Laing's *Lyndsay*, iii. 237. *Sic sturt* = such trouble.

transgression of the law of God, and so set its law above God's law.[1]

Many besides those who won the martyr's crown did much to spread the faith for which the martyrs died. Some circulated books, some spoke to their friends, some boldly preached. Next to the Bible, preaching was the most effective cause of the Reformation. To those who had been nurtured in darkness, the message of the new race of preachers came as light from heaven, as life to the dead. It was not a mere set of new or long-forgotten doctrines that they preached, but a personal reformation to begin at the heart, kindled and carried on by the free grace of God. Patrick Hamilton was charged with having taught "that all Christians, worthy to be called Christians, do know that they be in the state of grace."[2] This must have been rather a startling doctrine to those who had been brought up in what was afterwards denounced, in the National Covenant, as the Roman Antichrist's "general and doubtsome faith."

Before the middle of February 1542–43, the Regent Arran, in the first flush of his temporary Protestant zeal, had appointed a Black-friar to preach, who based his sermon on the abuses of the Church, and the need for setting forth Christ's doctrine, and circulating "the Byble and Testament" in English, for the better instruction of the ignorant. This friar, who preached daily

[1] *Wodrow Miscellany*, i. 144. [2] Cattley's *Foxe*, iv. 559.

under the protection of Arran and Angus, sometimes in Holyrood Abbey, sometimes in the great church of St. Giles,[1] was doubtless Thomas Guylliame. He and John Rough, both Blackfriars, were for a short time preachers or chaplains to Arran. Knox describes Guylliame as a man of solid judgment, of reasonable letters for that age, a prompt and good speaker, whose doctrine was wholesome, but without great vehemency against superstition; while Rough, less learned and more simple, was more vehement against all impiety.

"The doctrine of these two provoked against thame, and against the governour also, the hatterent of all such as more favored darknes than light, and thare awin bellyes more than God. The Gray Frearis . . . rowped as thei had bein ravinis, yea rather thei yelled and rored as devillis in hell, 'Heresy! heresy! Guylliame and Rought will cary the governour to the devill.'"[2]

The strenuous opposition to the preaching of these two friars is proof of its power and success; and both of them had a direct influence on Knox. Guylliame was the first man from whom he

[1] *Hamilton Papers*, i. 418, 426.—Lesley specially refers to the preaching of "Frier Guiliame" at this time (*History*, Bannatyne Club, p. 171).

[2] Laing's *Knox*, i. 95–97.—Guylliame's name occurs in various forms, such as Guiliame, Gwilliam, Gilzame, Gilzem, and William. Writing in the seventeenth century Sir James Balfour credits William with having translated "the New Testament in the vulgar tonge" (Balfour's *Historical Works*, i. 277).

received any taste of the truth;[1] and it was Rough who called him to the ministry.[2]

Cardinal Betoun had been seized in the end of January, and imprisoned successively in Dalkeith, Seaton, Blackness, and finally in his own castle in St. Andrews. In consequence of this, the diocese of St. Andrews, if not the whole of Scotland, had been laid under interdict; and so the mass and other services of the Church ceased for the time being, save in those cases where Arran as regent compelled the priests to act.[3] To those who still had faith in the sacraments and ceremonies of the old Church, it must have been a crushing punishment to be deprived of the mass, of "all the divine offices," of baptism for their children, and of "Christian burial" for their dead. It was, doubtless, the resentment caused by this, and by the outcries of the Grey-friars, that rendered it necessary for Arran and Angus to accompany Guylliame when he preached in Holyrood or St. Giles, as he was in some danger of being torn in pieces.

Early in April Betoun regained his liberty.[4] By the 19th the facile Arran was said to be ruled by his bastard brother, John Hamilton (afterwards Archbishop of St. Andrews), who had just returned from France; and by the 22nd had dismissed

[1] Calderwood's *History*, i. 156.

[2] Laing's *Knox*, i. 186–188.

[3] *State Papers of Henry the Eighth*, v. 249; *Hamilton Papers*, i. 426; *Diurnal of Occurrents*, p. 26; Lesley's *History*, p. 171.

[4] Sadler's *State Papers*, i. 130, 131.

his Protestant preachers.[1] Guylliame went to England, but Rough went to Kyle, where, no doubt, he continued to sow the good seed of the Word among his fellow-countrymen.[2]

At his trial Wishart declared that the glory of God was made manifest through the preaching of the Word;[3] and when as a preacher he had appeared in Lothian, Knox, as an enthusiastic disciple, carried a two-handed sword for his protection.[4] Some ten months after Betoun's death, Knox took refuge in what had been the arch-persecutor's stronghold; and, in the city of St. Andrews, which had been the scene of Paul Craw's, Patrick Hamilton's, Forrest's and Wishart's martyrdom, he was called to the ministry. There, too, in his first sermon, he sounded the keynote of the Scottish Reformation with a boldness which amazed his hearers. Others had "sned the branches of the Papistrie"; but he struck at the root to destroy the whole. Some of his hearers said that the devil might have their part of the pope and his laws if these were not now defended by the masters and doctors of the university, in whose presence they had been so manifestly impugned.[5] That Knox was already an out and out Protestant is apparent, not only from the summary he has preserved of his first sermon, but also from the articles which were drawn from his discourses, and which formed the subject of

[1] *Hamilton Papers*, i. 520–522.
[2] Laing's *Knox*, i. 105.
[3] Catley's *Foxe*, v. 628.
[4] Laing's *Knox*, i. 139.
[5] Laing's *Knox*, i. 185–192.

discussion between him on the one hand, and John Wynram and Friar Arbuckle on the other. These articles strike indeed at the very roots of papistry.

1. No mortal man can be the head of the Church.
2. The pope is an antichrist, and so no member of Christ's mystical body.
5. The mass is abominable idolatry, blasphemous to the death of Christ, and a profanation of the Lord's Supper.
6. There is no purgatory in which the souls of men can be either pined or purged after this life; but heaven remains for the faithful, and hell for the reprobate and unthankful.
7. Praying for the dead is vain, and to the dead is idolatry.
8. Those are not bishops who do not preach personally without substitutes.
9. By the law of God, teinds do not necessarily appertain to the clergy.

Two of the articles not only strike at the errors of the papacy, but contain the essence of the fundamental principle of Puritanism.

3. Man may neither make nor devise a religion that is acceptable to God; but is bound to observe and keep the religion received from God, without chopping or changing thereof.
4. The sacraments of the New Testament ought to be ministered as they were instituted by Christ Jesus and practised by His apostles: nothing

ought to be added unto them: nothing ought to be diminished from them.[1]

Thus, in the summer of 1547, Knox had clearly laid down the definite and far-reaching lines on which the Reformation was to be carried out in Scotland; and that Reformation might have been achieved much sooner than it was, had St. Andrews Castle been able to hold out against the French a few months longer. Not until the autumn of 1555 did Knox again preach in Scotland. He had been preceded by William Harlaw and John Willock; and by the preaching of these three for a time, the Protestants were stirred up and strengthened. Those of the Mearns, in 1556, bound themselves to maintain, to the utmost of their power, the true preaching of the Evangel, as God should give them preachers and opportunity.[2] In 1558, Harlaw exhorted publicly in Edinburgh, John Douglas preached both in Leith and Edinburgh, and Paul Methven in Dundee. Willock returned in the same year, and, when dangerously ill, exhorted from his bed those nobles, barons, and gentlemen who came to him.[3] There were others who laboured in Angus and Mearns, one of them being John Brabner. Robert Maule of Panmure, whose father had been slain at Flodden, was neither able to read nor write, but occasionally entertained Paul Methven and John Brabner; and of them, the historian of the family says—

[1] Laing's *Knox*, i. 193, 194. [2] *Ibid.* i. 245–251. [3] *Ibid.* i. 256.

"This Jhone was ane vehement man, inculcatine the lawe and peane thearof; bot Paule Meffane was ane mair myld man, preachine the Evangel of grace, and remissione of sinnes in the blud of Christ."[1]

[1] *Registrum de Panmure*, 1874, i. p. xxxii.—The only notice of Brabner known to Dr. M'Crie was the one in John Johnston's Latin poems on the Scottish martyrs (*Life of Knox*, 1855, p. 465). It was almost forty years after M'Crie's death before the *Registrum de Panmure* was printed.

VII

PRIMARY CAUSES—THE WORD OF GOD

Though James v. wished the morals of his clergy to be improved, and the pride of his prelates to be lessened, he steadily opposed Lutheranism, and thereby won the esteem and favour of the popes. He had been installed as king on the 26th of July 1524, when he was little more than twelve years old. Clement vii., in sending James Crichton to express his good wishes to the young monarch, thus wrote on the 11th of January 1525–26—

"Dearest son of ours, we have added to the singular and peculiar affection that we deeply felt before to your serene highness as a Christian king, as we ought, because you have kept your kingdom without injury from the perfidious Lutheran heresy, although it is flourishing in the nearest country (*in proximo vigente*). While this was altogether in accordance with your piety and duty, and advantageous to all your subjects, and especially to you as an individual, and tending also to the tranquillity of your kingdom, yet we, as in duty bound, took it as a most pleasant and welcome thing, and we have extolled your virtuous conduct

and your diligence more than once with great and deserved praises. . . . And, dearest son, we exhort and request you, by every feeling of charity and in the Lord our God, that you be willing to perform and accomplish in the future that same thing in honour of God, the King of Kings, and in defence of religion, which you see has been done by yourself and other Christian kings to your great renown and their's, especially since no staggering blow can be struck at the Catholic faith in your kingdom without your authority being at the same time overturned."[1]

Clement was, no doubt, delighted with the Act, passed by the Scottish Parliament on the 17th of the preceding July, prohibiting the importation of Lutheran books, and forbidding the rehearsal of Lutheran opinions except to the confusion thereof.[2] In his reply of 1st January 1526–27, James thus assured Clement that, as he had already opposed the damnable doctrine of Luther with all his might, so—

"For the future, by the favour of God, the best and the greatest, we will endeavour to devote ourselves with all zeal to the Catholic religion, and to the defence of the liberty of the Church, so that our territories shall not be invaded either by that most wicked Lutheran heresy or by any similar one; and that venerable religion, so long kept unshaken and unstained by our ancestors, shall remain unpolluted in order that we may deserve

[1] Theiner's *Monumenta*, pp. 553, 554. [2] *Supra*, p. 33.

to rejoice increasingly in this state [of existence] in the most ancient privileges granted to us and our predecessors by the Holy Roman Church, and to glory elsewhere [*i.e.* in Heaven] as the true and lawful heirs of Abraham."[1]

Paul III., in sending, by Count Antony à Campegio, papal chamberlain, a consecrated sword and hat to James (19th January 1536-37), exhorted him to oppose heresy. The king, having just married Madeleine, the eldest daughter of Francis I., was then in France. On meeting the messenger in February, he manifested the greatest satisfaction at this demonstration of the pope's regard, desired to receive the gift with the usual ceremonies, and expressed his gratitude with as many words as he could say in French.[2] Henry VIII. was reported to be displeased with James for accepting the gift, as the sword was intended to be used against the English.[3]

James had done something to merit the pope's confidence and goodwill, for not only had he enlisted his illegitimate infants in the spiritual army, but had highly approved (31st October 1534) of the emperor's intention concerning a general council; had intimated his readiness to send persons to attend it; had promised to do what he could to prevent the spread of Lutheranism;[4] had

[1] Theiner's *Monumenta*, p. 552.

[2] *Letters and Papers of Henry VIII.*, vol. xii. part i., Nos. 166, 414, 443, 463, 496.

[3] *Ibid.* No. 665.

[4] *Ibid.* vol. vii., No. 1391.

warned the pope (31st March 1535) against James Melville; had (12th June 1535) re-enacted, with additions, the Act of 1525 against Lutheran books and heresies; and had delighted the pope (9th February 1535-36) by his fidelity to the holy see, and his refusal to participate in the designs of evil men.[1]

It was much easier to burn Protestants or drive them into exile than to prevent the introduction and circulation of their books and pamphlets. Before breaking with Rome, Henry VIII. and his abettors experienced considerable difficulties in trying to suppress heretical books, many of which were printed abroad and smuggled into England. Lists of them were given in proclamations issued against them. In the "memorandum of a proclamation made at Paul's Cross on the first Sunday in Advent 1531," no fewer than thirty works are enumerated, which the people were forbidden to buy, sell, or read.[2] Of these, some assailed the

[1] *Letters and Papers of Henry VIII.*, vol. x., No. 281.—The designs of evil men thus alluded to were probably the proposals of Bishop Barlow to abolish the pope's power, and increase the treasure of the crown at the expense of the Church (*ibid.* vol. ix., No. 730).

[2] *Letters and Papers of Henry VIII.*, vol. v. app. No. 18.—The second on this list, *The Supplication of Beggars*, is, of course, Simon Fish's *Supplicacyon for the Beggers*, first published in 1529, and of which Professor Arber, in his reprint (1878), has said: "What a picture of the cruel, unclean, and hypocritical monkery that was eating at the heart's core of English society is given to us in this terse and brave little book! . . . We cannot but shudder as we try to realise the then social condition of our country; and all the more when we remember that the fountain of all this unmercifulness, impurity, and ignorance was found in the very persons who professed to be, and who should have been, the divine teachers of our nation." It was probably this tract which John Row referred to

papacy, its doctrines and corruptions; others set forth the way of life. Some of them no doubt found their way into Scotland, as did the once famous book, *Unio Dissidentium*, of which Sebastian Herris, curate of Kensington, confessed, on the 24th of February 1527–28, he had a copy; and of which, about the same time, Robert Necton confessed that he had sold one copy and bought other two.[1] One of the crimes for which Sir John Borthwick was condemned in absence, in 1540, by Cardinal Betoun was that he had a copy of the heretical book called *Unio Dissidentium*.[2]

The primates of England and a body of Oxford and Cambridge divines, called together by Henry VIII., not only condemned a number of books printed in foreign regions as containing pestiferous errors and blasphemies, but concluded

as having been printed and brought into Scotland. He describes it as "a complaint given in by the halt, blinde and poore of England, aganis the prelates, preists, friers, and others such kirkmen, who prodigallie wasted all the tithes, and kirk liveings upon their whoores and other unlawfull pleasures, so that they [*i.e.* the poor] could get no sustentation nor releef as God had ordained" (Row's *History*, Wodrow Society, p. 6).

[1] *Letters and Papers of Henry VIII.*, vol. iv. part ii., Nos. 4029, 4030. —Necton denied that he had ever had a copy of "Wyclief's Wycket," but it was certainly in circulation soon afterwards (Cattley's *Foxe*, v. 39–41). And the long catalogue which Foxe (*ibid.* iv. 667–670) gives of prohibited books is headed by "Johannis Wycleffi viri piissimi dialogorum libri quatuor."

[2] *Register of St Andrews Kirk-Session*, i. 98.—John Lambert, who was burned in Smithfield in 1538, in defending the doctrine that "faith only doth justify and work salvation before a man do any other good works," said that this was shown "by many authorities, both of Scripture, and also of many holy fathers, in a treatise called 'Unio Dissidentium,' which I would to Christ, as it is in French and other languages, we had it truly translated into English" (Cattley's *Foxe*, v. 216). An edition in Latin in two parts was printed in 1527.

that it was not necessary that the common people should have in their hands the Scriptures in English, which ought rather to be expounded to them by preachers. It was intimated that, if in future the people abandoned their perverse opinions, the king intended to cause an English translation to be made by "great learned and Catholic persons"; and that in the meantime all translations in circulation should be given up. This proclamation was made in June 1530.[1] The last part struck at Tyndale's translation, which had been in circulation for four years.[2]

It has been supposed that the Act of the Scottish Parliament of 1535, against Lutheran books and heresies, was intended to exclude the English Bible, although it is not named in the Act. If so, it must have been aimed at Tyndale's translation, not at Coverdale's, as the Act was passed in the month of June, and Coverdale's translation—the first complete printed Bible in the English language—was not issued until the following October.[3] The influence of

[1] *Letters and Papers of Henry VIII.*, vol. iv. part iii., No. 6487.

[2] "It [*i.e.* Tyndale's New Testament] was smuggled into England, and found no lack of purchasers, who were obliged to keep it in secrecy. But every effort was used by authority to put it down. Copies were bought up by the bishops in the hope that the whole impression would be suppressed; and there was more than one burning of the books in St. Paul's Churchyard. But the effect was only to encourage Tyndale to print off further copies and extend the scope of his labours; for he went on to translate some books of the Old Testament from the Hebrew" (Dr. James Gairdner in *The Cambridge Modern History*, ii. 465).

[3] Coverdale's Bible "professes to be translated out of the 'Douche' (*i.e.* German) and 'Latyn' into English by 'youre grace's humble subjecte, and daylye oratour Myles Coverdale'" (Dore's *Old Bibles*, 1888, p. 88).

Patrick Hamilton's converts, of the Lutheran books, and of Tyndale's Testaments, was beginning to tell in Scotland, hence the acknowledgment in the preamble of another of the Acts of that Parliament in 1535, that "the dampnable persuasionis of heretikis and thair perversit doctrine gevis occasioun to lychtly the processes of cursing and utheris censuris of Halikirk."[1] Whether the Act against Lutheran books and heresies was intended to strike against vernacular translations of the New Testament or not, the Scottish bishops had already prohibited the reading of it in the vernacular. Against this prohibition Alesius directed his appeal to James v. — "Epistola contra decretum quoddam Episcoporum in Scotia, quod prohibet legere Novi Testamenti libros lingua vernacula." Cochlæus, who defended the decree of the bishops, not only condemned Tyndale's translation and Luther's, which he denounced as corrupt, but also objected to any translation into the vernacular, no matter how faithfully it might be done. If the king wished to preserve among his people the ancient harmony in piety and divine worship with all the blessings of ecclesiastical discipline, he should—

"Cease from this business of translation especially at this time, because far more evil and ruin than good or edification will result from it. For the Lutherans will abuse the best and most undoubted translation for their contentions and

[1] *Acts of Parliament*, ii. 342. *Lychtly* = contemn, despise.

questions about the faith, in opposition to the bishops and monks, whom they make suspected by the people as persons that do not teach the truth, but for the sake of their belly suppress it and unjustly keep it back. Thus taking whatever translation in the native language you give them, they will point out to the people many and various passages of Holy Scripture that seem, according to the letter, to read in favour of the Lutheran doctrines, or if they do not read so, still with a wrapping of subtleties, they will wrest it to that sense which they wish."[1]

In his own estimation, Cochlæus sufficiently proved that the decree of the bishops, to which Alesius objected, was in conformity with the divine law, with the ordinance of Christ and the Church, with civil and canon law, and with the right and most ancient practice of Christians, namely, that "the laity should hear the law of God and the gospel of Christ from the mouth of the priest in the church, rather than read them at home with wicked contention to the destruction (*ad perditionem*) of themselves and others."[2]

This pamphlet evoked from Alesius the *Responsio ad Cochlei calumnias*; and to that Cochlæus replied in his *Pro Scotiæ Regno Apologia.* The king promised to do what he could for Cochlæus, and thanked Erasmus and Ferdinand who had commended him to his notice. In commending

[1] *An Expediat Laicis legere Novi Testamenti libros lingua vernacula?* 1533, sig. C 7.

[2] *An Expediat Laicis*, sig. L ii.

Cochlæus, Erasmus praised James for repelling Lutheranism, and this praise seems to have given the recipient special pleasure.[1] The pamphlets of Alesius were probably consigned to the flames. At all events, Cardinal Pole, in writing to James a few years afterwards, expressed satisfaction at his having burned heretical books sent to him.[2]

The decree of the Scottish bishops was not a dead letter. Not only had Henry Forrest suffered, as Knox alleges, for having "ane New Testament in Engliss"; but Lord William Howard and Bishop Barlow, writing from Edinburgh in May 1536, affirmed that the reading of God's Word in the vulgar tongue had lately been prohibited by open proclamation;[3] and writing from Berwick on the 29th of March 1539, the Duke of Norfolk says—

"Dayly commeth unto me some gentlemen and some clerkes, wiche do flee owte of Scotland as they saie for redyng of Scripture in Inglishe; saying that if they were taken, they sholde be put to execution."[4]

Two months after the death of James v., the Regent Arran alleged that in the past whatever had been decreed by the clergy in their blindness, for "stopping of Goddis Haly Word," had been put in force by the king's authority.[5] And in the epistle to James vi., prefixed to the Bassandyne Bible,

[1] *Letters and Papers of Henry VIII.*, vol. vii., Nos. 934, 935, 936.
[2] *Ibid.* vol. xvi., No. 404.
[3] *State Papers of Henry the Eighth*, v. 48.
[4] *Ibid.* v. 154.
[5] *Hamilton Papers*, i. 430.

written in the name of the general assembly, and dated 10th July 1579, it is stated that the false-named clergy of the realm, abusing the gentle nature of James v., made it a capital crime "to be punishit with the fyre," to have or read the New Testament in the vulgar language, yea, and to make its readers to all men more odious as if it had been "the detestable name of a pernicious secte, they were named *New Testamentares*."

Sir James Melville relates that when the clerical and other enemies of James Kirkcaldy of Grange (the father of the more celebrated Sir William Kirkcaldy) wished to prejudice the king against him, they alleged, *inter alia*, that he had "becom ane heretik, and that he had alwayes a New Testament in Englis in his poutche."[1] And one of the charges on which Cardinal Betoun condemned Sir John Borthwick in 1540 was that he had the New Testament in English.[2] The hatred of the Scottish clergy to the vernacular Scriptures is thus reflected in a contemporary ballad—

> "Qwha dois present the New Testament,
> Quhilk is our faith surelie,
> Preistis callis him lyke ane heretyke,
> And sayis, Brunt sall he be."[3]

[1] Melville's *Memoirs*, Maitland Club, p. 65.

[2] *Register of St. Andrews Kirk-Session*, i. 98.—In September 1561, John Wynram, superintendent of Fife, with the minister and kirk-session of St. Andrews declared the Cardinal's sentence "to be null and wranguslie gevyn, and the gevaris tharof to have schawynn tham selfis tharby mer ignorant of Godis Word and lawis, and plane inemeis to his trewth" (*ibid.* i. 103, 104). Wynram, who presided over this court in 1561, had sat in judgment with the cardinal in 1540.

[3] Mitchell's *Gude and Godlie Ballatis*, p. 190.

Sir David Lyndsay makes Flattery thus address Verity—

> "Quhat buik is that, harlot, into thy hand?
> Out, walloway! this is the New Test'ment,
> In Englisch toung, and printit in England:
> Herisie, herisie! fire, fire! incontinent."[1]

When the Vicar of Dollar was at the stake, some one, says Calderwood, plucked the New Testament out of his bosom, and, holding it up before the people, cried, Heresy! Heresy! Then the people cried, Burn him! Burn him! As told by Pitscottie, it was not at the vicar's martyrdom, but at his trial, that the accuser pulled the book out of his sleeve, and holding it up to the people said—

"Se the arratick, he hes the booke hudin in his sleif; se, lo it is heir that makis all this ple and commer in the Hollie Kirk, and amang the prelattis thairof."[2]

Either version of the incident illustrates well enough the hostile feeling which benighted Papists entertained towards the Bible in English. From their own standpoint they judged rightly, for the Word of God was the root cause of the Reforma-

[1] Laing's *Lyndsay*, ii. 63.

[2] Calderwood's *History*, i. 128; Pitscottie's *Historie and Cronicles of Scotland*, Scottish Text Society, i. 350.—Pitscottie was born before Calderwood; but the version of the latter is, I think, to be preferred, as he took it from John Davidson's *Latin Catalogue of the Scottish Martyrs*, and Davidson had derived his information in writing from Andrew Kirkie, the vicar's servant.

tion, and from it were derived the necessary sap and strength.

Even those prelates who did so little to spread a knowledge of the New Testament did not object to pay external honour to it. When Cardinal Betoun condemned Sir John Borthwick for having that Testament in English, he had the Holy Gospels placed before him in pronouncing sentence, so that the judgment might seem to proceed as from the face of God.[1] And at his consecration the Gospels were laid upon his shoulders; or, if Sir David Lyndsay correctly describes the Scotch custom, both the Old Testament and the New were bound upon his back.[2]

The opposition of such men as the cardinal to the circulation of the vernacular Scriptures was, no doubt, chiefly due to the fear that so-called heresy would thereby be encouraged, that the position of the Church would be weakened, and that the clergy themselves would lose their power and influence. It is in nowise uncharitable to attribute selfish, personal motives to those men. Had they been self-denying, self-sacrificing zealots, their opposi-

[1] *Register of St. Andrews Kirk-Session*, i. 99.

[2] Laing's *Lyndsay*, i. 151; ii. 147.—In the 1549 Edwardian form for consecrating bishops there is this rubric—"Then the archbishop shall lay the Bible upon his neck, saying," etc.; but, in the 1552 form, this is changed to, "Then the archbishop shall deliver him the Bible, saying," etc. (*The Two Liturgies of Edward VI.*, Parker Society, pp. 185, 353). When Andrew Honeyman was admitted to the archdeaconry of St. Andrews in 1662, by Archbishop Sharp, "he received in the towne church, from the said bishope, the Bibell, the keyes of the church doore, and the bell-towe, all in his hand" (Lamont's *Diary*, 1830, p. 155).

tion to the Reformation, and their cruel and pitiless treatment of the Reformers, might have been explained and palliated on the ground that, in excommunicating and killing better people than themselves, they thought that they were doing God service. But such an explanation cannot be suggested on behalf of men who sacrificed all the weightier matters of the law on the altar of self-indulgence.

Opposition, however, to the Scriptures in the vernacular was, as Cochlæus had shown, neither new nor local. Before the middle of the thirteenth century the councils of Toulouse and Tarragona "forbade the laity to read the vernacular translations of the Bible."[1] Henry Knighton, a canon of the abbey at Leicester, and a contemporary of Wiclif, thus expatiates on the consequences of giving the Bible to the people in their own tongue—

"The Gospel—which Christ gave to the clerics and doctors of the Church, that they might sweetly minister it to the laity and those of weaker capacity, according to the exigency of the time and the need of the persons, regard being also had to the hunger of their minds—this Master John Wyclif translated from Latin into the Anglic (not Angelic!) tongue; whence through him that has become a common thing and more open to laymen and women who are able to read, than it is wont to be to clerics more than ordinarily learned and of

[1] *Catholic Dictionary*, p. 82.

superior intelligence; and so the pearl of the Gospel is thrown out and trampled on by the swine; and so that which is wont to be dear to clergy and laity is now made as it were the common sport of both, and the precious stone of the clergy is turned into the plaything of the laity (*et gemma clericorum vertitur in ludum laicorum*); so that the eternal thing which had formerly been a celestial talent for the clergy and doctors of the Church is become a common thing to the laity."[1]

That there was a demand for Bibles, even in the Church of Rome, is proved by the fact that so many editions of the Latin Vulgate were printed before the year 1500. These, of course, were of no use to people who could read only their mother tongue. But that Church was loath to produce translations. In the second half of the sixteenth century, "Pius IV. required the bishops to refuse lay persons leave to read even Catholic versions of Scripture unless their confessors or parish priests judged that such reading was likely to prove beneficial."[2] The objections, therefore, of this infallible earthly head of the Church, like those of Cochlæus, were not confined to heretical translations. Not until 1582 did Roman Catholics produce a printed English translation of the New Testament; and not until 1609-10, one of the Old Testament. The New Testament was translated and printed at

[1] *Chronicon Henrici Knighton monachi Leycestrensis*, Rolls series, ii. 151, 152.

[2] *Catholic Dictionary*, p. 82.

Rheims, the Old at Douay.[1] In the words of the late Lord Bute—

"The version, or rather series of versions—for there are many different recensions of the text—generally called the Doway Bible, does not much commend itself to the English ear, and is indeed, especially in the earlier recensions, difficult to understand for any one who does not know Latin, and indeed other languages also; and, moreover, none of the recensions possess that ecclesiastical authority which is enjoyed, for instance, in Italy, by the Italian version of Archbishop Martini."[2]

The unreformed Church of Scotland could not be expected to approve of the circulation of the Bible in the vernacular, when it was afraid to put its own Catechism—Archbishop Hamilton's—freely into the hands of the laity. Rectors, vicars, and curates were forbidden "to lend their copies to every layman indiscriminately, but only according to the decision, advice, and discretion of their ordinary"; and even for the ordinaries it was only

[1] Dore's *Old Bibles*, pp. 291–315.

[2] *The Roman Breviary*, translated by John Marquess of Bute, 1879, vol. i. p. vi.—Pius VI. (1775–1799) was specially pleased with Martini because he "added explanatory notes, which being extracted from the holy fathers, preclude every possible danger of abuse" (*Catholic Dictionary*, p. 82). A translation of that pope's letter to Martini is prefixed to modern editions of the Douay Bible. The Rheims translation of the New Testament and the annotations gave such offence in England that many copies were confiscated (Dore's *Old Bibles*, p. 292). In several seventeenth-century French translations the mass boldly appears in Acts xiii. 2, purgatory in 1 Cor. iii. 15, the sacrament of marriage in 1 Cor. vii. 10, and the Roman faith in 1 Tim. iv. 1 (Cotton's *Memoir of a French Testament*, 1863, pp. 66, 67).

"lawful to lend copies of the said Catechism to some few laymen worthy, grave, of good faith, and prudent, and chiefly to those who shall seem to desire them for the sake rather of instruction than of any kind of curiosity." [1]

It does not appear that the Scottish Parliament had ever explicitly prohibited the Scriptures in the vernacular. Hence in the Regent Arran's first Parliament — when it was proposed that it should be lawful to all the lieges to have the New Testament and the Old, "in the vulgar toung, in Inglis or Scottis, of ane gude and trew translatioun, and that thai sall incur na crimes for the hefing or reding of the samin" —the Lords of the Articles having considered the proposal, "findis the samin resounable, and thairfor thingis (*sic*) that the samin may be usit amangis all the lieges of this realme in our vulgar toung of ane gude trew and just translatioun, becaus thair was na law schewin nor producit in the contrar." [2] This was on the 15th of March 1542-43. Cardinal Betoun was then in custody; but Gavin Dunbar, Archbishop of Glasgow, for himself and in name and behalf of all the prelates in Parliament,

[1] Patrick's *Statutes*, pp. 145, 146.

[2] Knox, however, in speaking of this Parliament, says that the question was raised of "abolishing of certane tyrannicall Actes, made befoir, at devotioun of the prelattis, for manteanyng of thair kingdom of darkness, to witt, that under pane of heresye no man should reade any parte of the Scriptures in the Engliss toung, nether yitt any tractat or expositioun of any place of Scripture" (Laing's *Knox*, i. 98). The "tyrannicall Actes" to which he thus refers may not have been Acts of Parliament.

dissented as one of the Three Estates against the Act; and intimated their opposition until a provincial council of all the clergy of the realm had advised and concluded whether it was necessary or not that the Scriptures should "be had in vulgar toung to be usit amang the quenis lieges."[1] The Act, perhaps because of this dissent, does not run in the name of the Three Estates, although the archbishop's language implies that it does. After the dissent was tabled the Act may have been altered, as it could not well run in the name of the Three Estates when one of these Estates was solidly opposed to it. As it stands the Act, indeed, has an uncompleted look, being more like a preamble than an Act. Those who

[1] *Acts of the Parliaments of Scotland*, ii. 415.—The Earl of Angus and Sir George Douglas affirmed that, the week before Parliament met, four earls with a great number of bishops and abbots, barons and knights convened in Perth, and sent two representatives to the regent and his council with several articles, one of which was that the cardinal should be set at liberty, and another was "that the New Testament shuld not go abroide" (*State Papers of Henry the Eighth*, v. 263). In the *Registrum Episcopatus Glasquensis* (ii. 559, 560) the following document is printed:—"Maria Dei gratia Regina Scottorum omnibus probis hominibus suis ad quos presentes littere pervenerint salutem. Sciatis nos quoddam actum nostri parliamenti in eodem datum et promulgatum utique intellexisse sub hac forma. In Parliament haldin at Edinburgh the xv daye of Marche the yeire of God i m vc xlii yeires. [Here follows, not the Act of Parliament, but the minute of the archishop's dissent.] Extractum de libro actorum Parliamenti per me Magistrum Jacobum Foulis de Colintoun, clericum rotulorum registri ac consilii supreme domine nostre regine, sub meis signo et subscriptione manualibus. Quod quidem actum Parliamenti ac omnia et singula in eodem contenta approbamus ratificamus ac pro nobis et successoribus nostris ut premissum est confirmamus. Datum sub testimonio nostri magni sigilli, apud Edynburgh viij° die mensis Maij, anno Domini MD xlv et regni nostri iij." There may be room for doubt as to whether the infant queen's ratification under the quarter seal ratified the Act of Parliament or the archbishop's dissent.

argued on behalf of the Church were driven to admit that the Scriptures might be read in the vulgar tongue provided the translation was true. When pressed to point out errors in the English translation, they could only reply that *love* was put in place of *charity*.[1]

The attendance in the Parliament of Scotland in March 1542–43 was much above the average. With the exception of the meeting in December 1540, it was numerically greater indeed than it had been for many years.[2] It not only legalised the reading of the Scriptures in the vernacular, but also slightly modified two of the Acts of James v. against heretics.[3] The Parliament, however, was very conservative, for, although it declared that the lieges should not incur any penalty for possessing or reading the Bible in their own tongue, the stipulation suggested in the written proposal, or

[1] The proposal that Parliament should permit the reading of the Scriptures in the vernacular was brought forward in writing by Lord Maxwell (*Acts of Parliament*, ii. 415), and was ably supported by Lord Ruthven and Henry Balnaves (Laing's *Knox*, i. 99). In 1582, Gregory Martin, one of the readers in divinity in the English College at Rheims, in criticising the English versions, also objected that *love* had been used for *charity*. Dr. Fulke, in reply, pointed out that by *charity* the common people would have understood *alms*, which was only an effect of charity, and that the word *love* expressed what charity really was (Fulke's *Defence*, Parker Society, p. 569).

[2] The Earl of Angus and George Douglas described it as "the moist substanciall Parliament that evir was sene in Scotland in ony mannis rememberance, and best furnist with all the Thre Estatis" (*State Papers of Henry the Eighth*, v. 264).

[3] The two Acts which were slightly modified had been passed on the 14th of March 1540-41, and respectively related to "personis abjurit of heresy" and 'fugitivis suspectit and summond for heresy" (*Acts of Parliament*, ii. 370, 371, 415).

draft Act, was adopted, that no person should dispute, argue, or maintain opinions of the same, under the pains contained in the Acts of Parliament. Arran ordered the Act to be proclaimed at the market-cross of Edinburgh on the 19th of March;[1] and, writing from Edinburgh next day, Sadler says that the proclamation had been made that it was lawful "to all men to rede the Bible and Testament in the mother tong," and that "none preche to the contrary upon payne of deth."[2] In mentioning the results of the Act, Knox says—

"Then mycht have bene sein the Byble lying almaist upoun everie gentilmanis table. The New Testament was borne about in many manis handes. We grant, that some (alace!) prophaned that blessed Wourd; for some that, perchance, had never red ten sentenses in it, had it maist common in thare hand; thei wold chope thare familiares on

[1] *Acts of Parliament*, ii. 425.—The proclamation was made in many other towns (Anderson's *Annals of the English Bible*, 1845, ii. 522).

[2] Bain's *Hamilton Papers*, i. 486.—Arran's precept to the clerk-register charges him to cause proclamation to be made of "the Actis maid in our sovirane ladyis parliament that suld be proclamit and gevin furth to hir liegis and in speciale the Act maid for having of the New Testament in [*Inglis*—deleted] vulgare toung with certane additionis and thaireftir gif furth the copyis thairof actentik as efferis to all thame that will desyre the samyn" (*Acts of Parliament*, ii. 425). Principal Lee inferred from this that the subjects were informed by proclamation that they were at liberty to read "the New Testament in the vulgar tongue with certain additions" (*Lectures*, i. 80). In the original precept the words "with certane additionis" are inserted in the margin; but in any case they appear to apply to the Act of Parliament, not to the New Testament. That "none prech to the contrary upon payne of deth" was no doubt one of these additions. For what may have been another, see *infra*, p. 231, n. The Act was omitted and ignored in the early printed editions of the *Acts of Parliament*.

the cheak with it, and say, 'This hes lyne hyd under my bed-feitt these ten yearis.' Others wold glorie, 'O! how oft have I bein in danger for this booke: how secreatlie have I stollen fra my wyff at mydnycht to reid upoun it.' And this was done of many to maik courte thairby; for all man esteamed the governour to have bein the most fervent Protestand that was in Europa. Albeit we say that many abused that libertie granted of God miraculouslye, yitt thairby did the knowledge of God wonderouslie increase, and God geve his Holy Spreit to sempill men in great aboundance."[1]

A month before the Scottish Parliament sanctioned the use of a vernacular version, Lord Lisle, the Warden of the English Marches, advised the Regent Arran to let slip among the people "the Bible and New Testament in Englishe," and offered, if he had none in his own tongue, to help to get some out of England.[2] To which Arran replied—

"As for the Bybill, thair is nane to be gottin in our vulgar toung in this realme, quhairfor it will pleis you to cause ane Inglisman cum heir with certane of thaim, quha sall have ane sur pasport and weil tretit, to sell thaim to inhabitantis of this realme."[3]

[1] Laing's *Knox*, i. 100, 101.

[2] Bain's *Hamilton Papers*, i. 424.—When Lisle spoke of "the Bible and New Testament," by "the Bible" he meant the Old Testament. His designation was not uncommon at that period, and is still used in Scotland.

[3] *Hamilton Papers*, i. 430.

And, a few days later, Sadler reported the Rothesay Herald as saying that the English Bible, New Testament, Primer, and Psalter "be mervelously desyred now of the people in Scotlande"; and that "if there were a carte lode sent thither, they wolde be bought every one."[1] This was on the 27th of February; but the Bibles had not been sent immediately, for, on the 1st of April, that is fully a fortnight after the Act of Parliament was passed, Arran asked Sadler to write to England "for some books of the New Testament and Bible in English."[2]

Curiously enough it was at the very time when the Scottish Parliament sanctioned the reading of the Scriptures in English or in Scots that Henry VIII. and the English Parliament passed a retrograde Act, the first Act of that session which began on the 22nd of January 1542–43, and ended on the 12th of May 1543. It not only forbade printers and booksellers to issue Tyndale's translations of the books of the Old or New Testament, but it forbade the reading of the Bible in English in churches; and it also forbade women, artificers, apprentices, journeymen, yeomen and inferior serving-men, husbandmen and labourers to read

[1] *Hamilton Papers*, i. 445.

[2] Sadler's *State Papers*, 1809, i. 108.—Arran also desired to get "the statutes and injunctions" made by Henry "for the reformation of our [*i.e.* the English] clergy and extirpation of the auctoritie of the bishop of Rome" (*ibid.* cf. *Hamilton Papers*, i. 497). Through Sadler, Henry sent very shrewd advice to Arran concerning the "politique handelyng" of monks and friars (*Hamilton Papers*, i. 499, 500).

the New Testament in English.[1] Those known in Scotland as "Pharisees and Papists," were "well pleased with the restraint of the Scripture made in England, from certain degrees of the people, and yet would have liked it much better if it had heen generally restrained from all sorts." On the other hand, the professors of God's Word were "much offended with the same."[2]

On the 4th of April Henry instructed Sadler to admonish Arran that, in giving the Bible to the people, it was necessary to warn them how they should receive and use it; and that to eschew certain evils he ought to forbid all books in English printed beyond the seas, and permit the Bible alone until other books were set forth by public authority (that is, by Henry's authority), so that both realms might be united in the true understanding of God's Word, avoiding the frenzies and dreams of the inferior people on the one hand, and the corruption, hypocrisy and superstition of Rome on the other.[3]

Arran's appointing Guylliame to preach against the pope's authority, using such service as he thought good despite the interdict, and making it lawful "to every man to haif the Bible in Inglis,"

[1] *Statutes at Large*, 1770, ii. 330.

[2] Sadler's *State Papers*, i. 265.

[3] *Hamilton Papers*, i. 499.—The docile Arran professed that his views on these matters coincided with Henry's, and that he had given directions for admonishing the people to read the Scripture "sincerely and quietly to themselves for their own knowledge, without taking upon them any sinister or rash interpretation of the same, as by Act of Parliament . . . is fully set forth" (Sadler's *State Papers*, i. 128).

were regarded by Bishop Lesley as "the first alteratione of religione" in Scotland.[1] They were, indeed, the first steps of the civil authority in favour of the Reformation, and they were fruitful of good results. When, in September 1538, James v. wrote for the third time to the pope, urging him to make David Betoun a cardinal, he did so, as one pressed with anxious thoughts concerning the ecclesiastical order as well as the faith, especially as the enemy was sowing tares, not merely in a neighbouring field but in the nearest furrows; and he asked the pope to consider how much easier it was to maintain a standing Church than to raise one that was fallen.[2] During the preceding eleven years five heretics had suffered the extreme penalty of the law in Scotland; and ere long James was to see the obnoxious seed thriving so well in his own furrows, that his Parliament (14th March 1540–41) enjoined that the Virgin Mary should be worshipped and honoured and invoked; that no one should impugn the pope's authority under pain of death; that no one should cherish or favour heretics; that fugitive heretics should be banished and condemned; that those who informed against conventicles of heretics should be rewarded; and that no one should cast down the images of the saints or treat them with dishonour or irreverence.[3] From the standpoint of Rome this legislation looked

[1] Lesley's *History*, pp. 171, 172.
[2] *Letters and Papers of Henry VIII.*, vol. xiii. part ii., No. 417.
[3] *Acts of Parliament*, ii. 370, 371.

rather ominous; and yet, since David Betoun's elevation to the purple, other eight Scottish Protestants had suffered martyrdom. But now that the Bible was free, even though discussion was prohibited, the progress of heresy from the Roman standpoint was much more alarming.

Because it had been "hevelie murmorit" to the governor "that divers and sindrie personis, our soverane ladyis lieges, are Sacramentaris," holding disputations on the effect and essence of the sacraments, tending plainly to "the enervatioun of the faith Catholik," the privy council, on the 2nd of June 1543, ordained that "na man disput or hald openionis of the sacramentis, nor of the affect or assence thairof, uther wayis nor is ellis ressavit be the Haly Kirk, under the pane of tinsale of lif, landis and gudis." It was also ordained that daily inquisition should be made for all such persons; and, when apprehended, they were to be brought to the civil magistrates, by whom they were to be securely kept until the "mynd" of the governor and lords of council was known regarding them. This Act of Council closed with the suggestive words: "Providing alwayis that this Act be nocht prejudiciale to the prelatis and kirkmen anentis thair jurisdictioune to tak inquisitioun of all heretikis as thai haif done in tymes bigane, conforme to the commoun law."[1]

In the following September the governor was openly reconciled to the cardinal, acknowledged

[1] Robertson's *Statuta*, ii. 294. *Hald* = maintain, *tinsale* = loss.

his offence, submitted to penance, was absolved, heard mass, and received the sacrament.[1] In the oldest MS. of Knox's *History*, the governor's conduct is summed up very briefly, in a marginal note believed to be in Knox's own handwriting: "The governour violated his fayth, refused God, and took absolutioun of the devill."[2] On the 15th of December, the governor caused Parliament to be informed "that heretikis mair and mair risis and spredis within this realme, sawand dampnable opinionis incontrar the fayth and lawis of Haly Kirk, actis and constitutionis of this realm," and therefore all prelates and ordinaries, each one within his own diocese and jurisdiction, were exhorted to inquire concerning all such persons, and to proceed against them "according to the lawis of Haly Kirk"; and the promise was added: "My said lord governour salbe rady at all tymes to do therin that accordis him of his office."[3] And so, exactly nine months after permission had been given to read the Scriptures in the vernacular, Parliament was officially informed that there ought to be another campaign against heretics.

That Arran's assurance of personal help was no idle promise was shown next month, for it was when he then accompanied the cardinal to Perth to inaugurate the campaign that five of the heretics

[1] *Hamilton Papers*, ii. 38.

[2] Laing's *Knox*, i. 109.

[3] *Acts of Parliament*, ii. 443. *Mair and mair* = more and more, *sawand* = sowing, *incontrar* = contrary to.

there were put to death. The four men were convicted of holding a convention in St. Ann's Chapel, in which they conferred and disputed on Holy Scripture; two of them were also convicted of having interrupted a friar when he was preaching, alleging that his doctrine was false and contrary to Scripture. The woman was convicted of dishonouring the Virgin Mary. In child-birth she had refused to invoke her help; and had said that, if she had lived at that time, "God might have looked to her humilitie and base estate, as he did to the Virgin's, in making her the mother of Christ." A number of Protestants were at this time banished, or rather fled.[1]

When Henry VIII. authorised translations of the Scriptures—

"Those who maintained the old Lollard theory that the Bible could be safely interpreted without the aid of a priesthood were encouraged in their opposition to the Church. This theory was clearly gaining in strength during the latter part of Henry's reign, and its adherents became still more numerous in that of his son. Men founded their convictions on an infallible book, were confident in their own judgments, and died by hundreds under Mary for beliefs that were only exceptionally held in the beginning of her father's reign. The pure delight in the sacred literature itself inspired many with enthusiasm."[2]

[1] Calderwood's *History*, i. 172-174.

[2] Dr. James Gairdner, in *The Cambridge Modern History*, ii. 466.

The Word of God exerted a marvellous power in Scotland also, even over many who were personally unable to read it. The keenness of some of these illiterates was exemplified in Robert Maule of Panmure, who became "very penitent of his former lyf, and embraced the Reformed religione," and who died on the 3rd of May 1560 in his sixty-third year. He "had beine brought upe rudlie without letters, sa that he could nather reid nor wreit," but one of his sons, "ane godly persone gevine to redine of the Scripture," did nightly instruct him in "the cheif points of religione."[1] Although many of the common people were less ignorant than many of their clergy, it does not follow that all or most of the colliers, carters, and cooks, to whom Sir David Lyndsay directed his rhyme, were able to read. Lyndsay wrote in the vernacular that they might understand what he wrote, and they could understand it when read aloud to them, though they could not read themselves. To him it appeared utterly absurd that nuns should sing psalms and say prayers in Latin night and day—

> "Nocht understandyng quhat thay syng nor say,
> Bot lyke ane stirlyng or ane papingay."[2]

When the unlearned heard the Evangel solemnly sung, it was, he thought, no better to them than the ringing of a bell; and therefore they ought to know in their own tongue the life and testament of Christ

[1] *Registrum de Panmure*, i. p. xxxii.
[2] *Stirlyng* = starling, *papingay* = parrot.

Jesus. "In our language lat us pray and reid our Pater Noster, Ave, and our Creid." Moses on Mount Sinai did not give the law in Greek or Latin, but in Hebrew, the "vulgare language" of "the bairnis of Israell." Aristotle and Plato did not write in Dutch or Danish or Italian, but in their "toung maternal." St. Jerome had translated the law of God from Hebrew and Greek into Latin, "his propir toung"; and, if he had been born in Argyleshire, he would have written his books in Irish (*i.e.* Gaelic). Moreover, had not St. Paul said that there was more edification in five words which people understood, than in ten thousand in a strange language. Such pattering, Lyndsay thought, was not worth two pins.[1] Even he may well have been surprised at the power which in Scotland underlay a translation of the Scriptures, not in his own tongue but in English, which in those days as in ours was not the same as Lowland Scotch.

While Quintin Kennedy, in 1558, admitted that it was expedient that those should read the Scriptures who did so "temperatlie," he contended that God had provided a better way than burdening every private man to read His Word in order to find out all its secrets necessary for salvation. Private men ought not to pry into such mysteries as "the sacramentis, predestinatioun, fre-wyll, and justificatioun." They should not seek any other understanding of these than that already taught

[1] Laing's *Lyndsay*, ii. 246–251.

by general councils, who, "in declaratioun of materis doutsum, necessare, or expedient to be knawin for all Christin mannis salvatioun, assuritlie hes nevir errit." In all such matters above their knowledge, the people should stand to the jugdment of their pastors, "without curious ressonyng." It was necessary to lean on "the jugement of the Kirk in al materis concernyng baith faith and religioun," for there were things which faithful Christians ought to believe, although "thay can nocht be provin be expresse testimonyes of Scripture." For example, "Is he not to be estimit as ane heretike, quha walde denye the blyssit mother of Jesu Christ our Salveour to be ane perpetuale virgine?" Notwithstanding that the authority of the Church extended to more than was expressly contained in Scripture, yet "the Scripture and Kirk ar baith alyke trew, equale of strenth, power, and dignitie, governit evir with the samyn Spirite of God."[1]

This doctrine might continue to hold the field at Rome: it was rapidly ceasing to hold it in Scotland, where, this year, the year of Walter Myll's martyrdom, the ultimate triumph of the Reformed doctrines was already assured to the eye of faith. To the Parliament which met in November, the Protestants formally protested, that, as they had not been able to obtain a "just Reformatioun according to Goddis Worde," it should be lawful

[1] *Wodrow Miscellany*, pp. 130–133, 168–172.

to them to act in matters of religion and conscience as they must answer to God, until their adversaries proved themselves to be true ministers of Christ's Church and purged themselves of the crimes laid to their charge. And, on the 1st of the following January, the notice known as *The Beggars' Summonds* was posted on the gates of the friaries. This summons, much briefer than Simon Fish's famous *Supplicacyon for the Beggers*, unlike it made no attack on the shameless immorality of the ecclesiastical "beggers and vacabundes"; but vigorously denounced the feigned holiness and selfish craft by which the friars, though stark and sturdy, had acquired the alms which ought to have been given to the diseased and feeble poor. In it the friars were warned in the name of God to quit the hospitals before Whitsunday next, so that possession might be taken by the only lawful owners, the blind, crooked, bedridden, widows, orphans, and other poor unable to work. These wretched poor intimated that, failing compliance with their demands, they would, with God's help and the assistance of His saints on earth, take possession of their patrimony at Whitsunday, and eject the friars "utterlie furthe of the same."[1] The provincial council which met in March (the last which Archbishop Hamilton was to hold) failed to deal with the pressing matters of doctrine and ritual,

[1] Laing's *Knox*, i. 313, 320, 321.—The ejection of the friars began three days before Whitsunday.

and held out no hope of toleration to those who wished to be ruled by the Bible, not by doctors and councils.

When Knox returned to Scotland (2nd May 1559) the realm was in the very throes of the Reformation. The thirst for the Gospel he found to be wondrously great. By the beginning of September, though troubled with fever, he had travelled through most of the country, and found men of all sorts and conditions embracing the truth. A few weeks later he was still so engrossed that out of the twenty-four hours he had not four for natural rest.[1] The French held Dunbar and Leith, and were strong enough to be aggressive; but so far as the body of the Scottish people was concerned, the battle of the Reformation was won.

[1] Laing's *Knox*, vi. 21, 78, 88.

VIII

LEADING CHARACTERISTICS

If the Reformation in Scotland had to be characterised in one word, that word might be *thorough*. Its thoroughness was at once its chief characteristic and its glory. Writing in 1566, he who knew it as no other man did, and who had borne the brunt of the decisive battle, boldly affirmed that as for the administration of the sacraments and for doctrine, there was no realm on the face of the earth that had them in greater purity; yea, none that had them in the like purity. For other realms, even those sincere in doctrine, retained in their churches and ministers thereof "some foot-steppis of Antichrist, and some dreggis of Papistrie"; but "we (all praise to God alone) have nothing within our churches that ever flowed from that man of synne."[1] It was not only in doctrine, and in the administration of the sacraments, that the Scottish Church forsook the "foot-steppis of Antichrist" and rid itself from the "dreggis of Papistrie." As the leaders had informed Mary of Guise, in

[1] Laing's *Knox*, ii. 263, 264.

November 1558, they desired not only to have the lives of the clergy amended, but they wished "Christes religioun to be restored to the originall puritie," so that "the grave and godlie face of the primitive church" might be restored, ignorance expelled, and true doctrine and good manners appear again "in the Churche of this realme."[1]

Had there been a strong ruler on the throne determined to oppose the Reformers, their task, both in overthrowing the papacy and in trying to realise their ideal of a Church, would have been much more difficult, perhaps impossible. How they formed their ideal is thus explained by John Row the historian—

> "The ministers that were took not their pattern from any Kirk in the world, no, not fra Geneva itself; but, laying God's Word before them, made reformation according thereunto, both in doctrine first, and then in discipline, when and as they might get it overtaken."[2]

The John Row who thus wrote was born in the winter of 1568-69, and was a son of that John Row who helped to prepare the 1560 Confession of Faith and the First Book of Discipline, and therefore ought to have known fairly well how the work of Reformation had been planned; but the statement quoted cannot be accepted as literally accurate. Possibly all that he meant was that,

[1] Laing's *Knox*, i. 303, 306.
[2] Row's *History*, Wodrow Society, p. 12.

in preparing the Confession and Book of Discipline, the framers did not follow any other Church implicitly or blindly; but, having the open Bible before them, judged for themselves. The commissioners of the Church of Scotland, when in London in 1644, thus spoke of their reforming predecessors—

"They had no other rule and patterne of reformation but the Word of God, and the practice of the Apostolicke Churches in the Word. . . . Our chiefest Reformers had indeed their education in other churches, which was the goodnesse of God to them and us: there did they see examples of reformation, and conversed with other Reformers by whom they were taught from the Word in the wayes of God, and thence did they bring (as the Romans their laws of old from Greece and other nations) models of church-government, that comparing one with another they might fix upon that which was builded upon the foundation of the apostles."[1]

That they were influenced to some extent by other Churches is certain. Dr. Mitchell has shown that while the Confession of 1560 has characteristics of its own, it coincides not infrequently in expression, and agrees generally in its definitions of doctrine, with the other Reformed or Calvinistic Confessions.[2] The Order of Geneva, used in the

[1] *Reformation of Church-Government in Scotland cleered from some Mistakes and Prejudices*, 1644, pp. 5, 10, 11.

[2] Mitchell's *Scottish Reformation*, pp. 103–117.

English congregation at Geneva of which Knox was a minister, was bodily incorporated in the Scottish Book of Common Order, or rather was adopted bodily and afterwards enlarged.[1]

The Confession of Faith, having been read in audience of the lords of the articles and afterwards in open Parliament,[2] was, by the Three Estates thereof, on the 17th of August 1560, "ratifeit and apprevit as hailsome and sound doctrine groundit upoun the infallibill trewth of Godis Word."[3] It was published not as a mere ecclesiastical, but as a national, document, in the name of "the Estaitis of Scotland with the inhabitantis of the samyn professing Christ Jesus his holy Evangell"; and was addressed "to thair naturall cuntreymen and to all utheris realmes and natiounis professing the samyn Christ Jesus with thame." The paragraph following the greeting may, with considerable certainty, be ascribed to Knox, but is also evidently intended to run in the name of "the Estaitis of Scotland with the inhabitants of the samyn professing Christ Jesus his holy Evangell."[4] And it is this introductory paragraph which contains the remarkable statement—

[1] What was adopted may be distinguished from what was added by comparing Laing's *Knox*, iv. 149–214, with vi. 287–470.

[2] Laing's *Knox*, ii. 121.

[3] *Acts of Parliament*, ii. 526.

[4] Both in substance and style it seems to be Knox's; but the clause "we culd not bot sett furth this breve and playne Confession of sic doctrine as is *proponit unto us* and as we beleife and profess," precludes the idea that this paragraph was intended to run in the name of the framers of the Confession.

"Protesting that gif any man will note in this our Confessioun any artickle or sentence repugning to Godis Holie Word, that it wald pleis him of his gentilnes, and for Christeane cheriteis saik, to admoneis us of the samyn in writt; and we of our honouris and fidelitie do promeis unto him satisfactioun fra the mowthe of God (that is fra his Holy Scriptureis) or ellis reformatioun of that quhilk he sall prove to be amys."

This admission of fallibility and professed willingness to receive more light runs, therefore, as I understand the matter, in the name of the Three Estates of Parliament. The sentences which immediately follow are also remarkable, and are not such as would, in these degenerate days, be readily inserted in a declaration by Parliament:—

"For God we taik to record in our conscienceis that, fra our hartis, we abhoir all sectis of heresie and all teicharis of erronious doctrine; and that with all humylitie we embraice the puritie off Christis Evangell, quhilk is the onlie fude of our saullis; and thairfoir sua precious unto us that we ar determinit to suffer the extremitie of warldlie dainger, rather than that we will suffer our selvis to be defraudit of the same. For heirof we ar maist certainlie persuaidit that quhasoever denyis Christ Jesus, or is aschameit of him, in presens of men, salbe denyit befoir the Father and befoir his holie angellis. And thairfoir, be the assistance of the michtie Spreitt of the same Lord Jesus, we

firmelie purpois to abyde to the end in the Confessioun of this our fayth."[1]

This Parliament was in several respects an exceptional one, and was an outstanding feature of the Reformation. It was held in virtue of the concessions granted to the nobles and people of Scotland by Monluc and Randan, two of the commissioners whom Francis and Mary appointed with full powers.[2] These concessions were granted on the 6th of July 1560, and are specially referred to and approved in the Treaty of Edinburgh of that date;[3] which treaty principally concerned the matters in dispute between Francis and Mary on the one part, and Elizabeth of England on the other. In the concessions it was agreed and appointed that, on certain conditions, the Scottish Parliament should meet and be "as valid in all respects as if it had been called and appointed by the express commandment of the king and queen."[4] The Scottish nobles had desired, in their declaration of 25th June, that this Parliament should have the usual power of dealing with old Acts and making new ones, "aswell anent the civille pollicye, as uniformetye of religione, wherin ther is suche contraversye already rissen, that withowt order be spedelye taken by the advyse of the Estates, and an uniforme rule devised, the unitye of the leieges cannot long

[1] *Acts of Parliament*, ii. 526, 527.
[2] Keith's *History*, i. 306–308. [3] *Ibid.* i. 294. [4] *Ibid.* i. 300.

continew."[1] As Cecil said, the matter of religion and the "accord" with England were too hot for the French commissioners to meddle with;[2] and so the nobles agreed that the ensuing Convention of Estates should appoint some persons of quality to repair to Francis and Mary, "and remonstrate to them" the state of those affairs which Monluc and Randan could not decide.[3] Before the Lord of St. John, the person of quality appointed by Parliament, left for France, Parliament had given its indubitable decision in matters of religion; but its Acts, like the Treaty of Edinburgh, were never ratified by Francis and Mary, nor were they inserted in the old editions of the printed Acts of Parliament. The keen interest manifested in national affairs at that time is reflected in the abnormally large if not unprecedented number of the members.

From the days of James I. many of the Scottish Parliaments had begun their legislative work by passing an Act fortifying the freedom and privilege of Haly Kirk. But, in 1560, the Church, which had been so long regarded as Haly Kirk, was by Parliament condemned and overthrown. In the Confession of Faith, ratified on the 17th of August, it was referred to as "the horribill harlat the Kirk malignant," and as "the Papisticall Kirk"; and on the 24th of August

[1] Bain's *Calendar*, i. 433.
[2] Haynes' *State Papers*, p. 352.
[3] Keith's *History*, i. 306.

four Acts were passed which swept the papistical power out of Scotland.

By the first of these, it was ordained that "the Bischope of Rome" should have no jurisdiction or authority within the realm in time coming; that no one should sue to him for any right or title to anything within the realm, under the pains of "barratrye";[1] and that no bishop or other prelate of this realm should use any jurisdiction, in time coming, by the Bishop of Rome's authority, under the same penalty.

By the second Act, all previous legislation "not aggreing with Goddis Word," and contrary to the Confession of Faith, was annulled, and declared to be of no avail, force, or effect. Both of these Acts run in the name of the Three Estates of Parliament.

The third of these Acts declares that "it is notoure and perfitlie knawin that the sacramentis of baptisme and of the body and blude of Jesus Chryst hes bene in all tymes bipast corruptit be the Papistical Kirk and be thair usurpit ministeris"; and ordains that henceforth no one is to administer these sacraments, except those who are admitted and have power to that effect, and that no person or persons say mass or hear mass or be present thereat, under the

[1] In the Act, "barratrye" is explained to mean "proscriptioun, banischement, and nevir to bruke [*i.e.* enjoy] honour, office, nor dignitie within this realme."

pain of confiscation of all their goods, and corporal punishment at the discretion of the magistrate for the first offence, banishment for the second, and death for the third.[1]

By the fourth Act, it was ordained that all parties, pursuers and defenders, having pleas depending in the courts of Rome or in the consistories of the same, or before judges-delegate or sub-delegate, should pursue and defend the same before a civil court of the realm. This Act was ratified, approved, and confirmed on the 29th of November 1581, by James VI. and the Three Estates of Parliament, who declared the same to have been "ane commone law" from the 24th of August 1560.[2]

Of these four Acts, the first three were ratified and approved in the Regent Murray's first Parliament on the 20th of December 1567.[3] And on the same day the Confession of Faith was "exhibitit to the Estatis"; and was "by thair public votis authorisit as a doctrine groundit upon the infallibill Word of God" (instead of being, as in 1560, "ratifeit and apprevit as hailsome and sound doctrine groundit upoun the infallibill trewth of Godis Word"); and the introductory sentence or greeting, making it run in the name of the Three Estates, was omitted, as was also the paragraph containing the promise

[1] *Acts of Parliament*, ii. 534, 535.—The original records of this Parliament have long been lost.

[2] *Ibid.* iii. 221, 222.

[3] *Ibid.* iii. 14, 22, 23.

to amend any article or sentence that might be proved to be wrong.[1]

An Act passed, on 29th November 1581, by James VI. with the advice of his Three Estates, ratifying and approving previous Acts "for mantenance of the liberte of the trew Kirk of God and religioun now presentlie professit within this realme and puritie thairof," specifies the first three of the four Acts above mentioned, and also "the Confessioun of the Faith professit be the Protestantis of Scotland." And so, within a period of little more than twenty-one years, the papal jurisdiction was abolished, the mass prohibited, and the Confession of 1560 approved, by three Scottish Parliaments.[2]

On the other hand, the First Book of Discipline, drawn up by the same six men in the same year, was never ratified by Parliament.[3] In Knox's

[1] *Acts of Parliament*, iii. 14.—When the Confession was ratified in 1560, it was followed by the words:—"Thir actis and articklis ar red in the face of Parliament, and ratifyit be the Thre Estatis of this realme, at Edinburgh the sevintene day of August, the yeir of God j m v ° and thre scoir yeiris" (*ibid.* ii. 534). When ratified in 1567, the same words and date were appended, the only difference being that the words "of this realme" were omitted (*ibid.* iii. 22).

[2] *Ibid.* iii. 210.

[3] The six men were John Knox, John Wynram, John Spottiswoode, John Willock, John Douglas, and John Row. Knox speaks (Laing's *Knox*, ii. 128) as if they had been commissioned to prepare the Book of Discipline after the Parliament of 1560 was dissolved; but in the Preface to the Book itself (*ibid.* ii. 183) the commission is said to have been given on the 29th of April 1560; and it was completed by the 20th of May 1560 (*ibid.* ii. 257). In the Preface it is said that, on receiving the commission, "sa mony of us as wer in this toune did convene, and in unitie of mynd do offer unto your wisdomes these headis subsequent for commoun ordour and uniformitie."

opinion, the approval or ratification of the Confession by kings or parliaments was not a matter of much importance; for our religion, which is from God, "hes full powar, and neideth nott the suffrage of man but in so far as man hath neid to beleve it, yf that ever he shall have participatioun of the lyfe everlesting."[1] But with the Book of Discipline it was otherwise. Unless ratified by the civil authority, some of its most important recommendations could not be carried out; for example, those concerning the stipends of ministers and teachers, the support of the poor, and the reorganisation of the universities. The Book was duly presented to the nobility, "who did peruse it many dayis." Some approved of it, and wished it to be ratified; but others, "perceaving thair carnall libertie and commoditie somewhat to be impaired thairby, grudged, insomuche that the name of the Book of Discipline became odious unto thame." Their reasons were obvious. Some of them were licentious, some had greedily seized the possessions of the Church, and some expected to share in the plunder. Everything that repugned to their corrupt affections was termed by them, says Knox, "devote imaginationis."[2] Those who obtained most of the Church rents were the most unmerciful

[1] Laing's *Knox*, ii. 126.

[2] According to Spottiswoode, it was "a nobleman" who derided the Book, or one of its devices, as "a devout imagination" (Spottiswoode's *History*, i. 371); and Carlyle has unwarrantably identified this unnamed nobleman as "the Regent Murray" (*Heroes and Hero-Worship*, p. 179), who actually approved and subscribed the Book of Discipline (Laing's *Knox*, ii. 129, 258).

to the poor ministers, which proved the truth of the old Scotch proverbs—"Nothing can suffice a wrech," and "the bellie hes none earis."[1]

But at a Convention of the Estates held in Edinburgh in January 1560-61,[2] the Book of Discipline was again brought forward; and, according to one contemporary, "six whole days were spent in examination and reasoning thereon, the matter well debated, divers well satisfied, and in the end approved by common consent."[3] Unfortunately, the official records of that convention, and also of the privy council for that period, have been lost. But there is proof enough that this convention as such did not approve or authorise the Book of Discipline, although a considerable number of the nobles subscribed it, and promised to promote its objects to the uttermost of their power, provided that the conforming prelates and other beneficed men should enjoy their revenues for life, and sustain the ministers.[4] The preachers urgently

[1] Laing's *Knox*, ii. 128, 129.

[2] Knox speaks of this as "a generall conventioun of the haill nobilitie" (Laing's *Knox*, ii. 138). Lethington refers to it as a meeting of "the Estates," and again as "the principal Estates" (Bain's *Calendar*, i. 506, 509).

[3] Randolph to Cecil, in Bain's *Calendar*, i. 512.—Knox says that, at this convention, it "was perused newlie oure agane, for some pretended ignorance, be reassone thei had not heard it" (Laing's *Knox*, ii. 138). Another contemporary says: "Efter sum greit disputatioun, sum subscrivit the said buik, and utheris denyit the samin" (*Diurnal of Occurrents*, p. 63).

[4] The docquet of approval is headed as if it were an act of privy council (Laing's *Knox*, ii. 257; Keith's *History*, iii. 24). The date of subscription is sometimes given as the 17th and sometimes as the 27th of January 1560-61. Of these the later date is almost certainly correct.

pressed for the establishing of the Book "by ane Act and publict law"; and Knox inserted it in his *History*, to show what worldlings had refused, and what the godly ministers had desired, and that posterity might "eather establishe a more perfite, or ellis imitat that quhilk avaritiousnes wald nott suffer this corrupt generatioun to approve."[1]

The preface of the Book of Discipline, like the preface (that is, the greeting and introductory paragraph) of the Confession, contains an admission of fallibility; but this preface runs in the name of the framers, not of the Three Estates, and is addressed to the Great Council of Scotland. It says: "We will nott bynd your wisdomes to oure jugementis, farther than we be able to prove the same by Goddis plane Scripturis." And, in the preface, the object of the Book is said to be that a common order and uniformity may be observed in the realm concerning doctrine, administration of the sacraments, election of ministers, provision for their sustentation, ecclesiastical discipline, and policy of the Kirk.[2]

In the Book of Discipline, reference is made to "the Ordour of Geneva, quhilk now is used in some of oure kirks," to "the Booke of our

The convention was appointed to meet on the 15th of January, but it was the 21st before many members appeared (Bain's *Calendar*, i. 511). The notes and additions to the Book of Discipline were probably made during the six days discussion. According to Petrie, the Book "was approved by the counsell for their own part, but not authorised" (*Compendious History*, 1662, ii. 222).

[1] Laing's *Knox*, ii. 181, 182.

[2] *Ibid.* ii. 183, 184.

Common Ordour, callit the Ordour of Geneva," and to "oure Buke of Common Ordour."[1] The triple reference shows that the Book of Common Order was not only used in some of the Protestant congregations in Scotland at least three months before Parliament overthrew the papal jurisdiction, but was recognised at that early date by the framers of the Book of Discipline. As there were then no presbyteries, no synods, and no general assembly, the congregations must at that time have acted with considerable independence. The first general assembly did not meet until the 20th of December 1560, that is four months after Parliament had ratified the Confession of Faith, seven months after the First Book of Discipline had been framed, and at least as many after some of the congregations had adopted the Book of Common Order. In the extant "Acts and Proceedings of the General Assemblies" the earliest reference to the Book of Discipline is in May 1561,[2] the earliest to the Book of Common Order is in December 1562,[3] and the earliest to the Confession of Faith is in August 1573;[4] but there

[1] Laing's *Knox*, ii. 186, 210, 239.

[2] *Booke of the Universall Kirk of Scotland*, i. 8.

[3] *Ibid.* p. 30.

[4] *Ibid.* p. 281.—It was agreed however by the king's commissioners and the commissioners of the Kirk, on the 16th of January 1571–72, that every person pretending to be a minister of the word and sacraments, or to enjoy any spiritual promotion or living, should, in presence of the bishop or superintendent of the diocese, declare his assent to and subscribe the Confession (*ibid.* p. 212). On the 30th of June 1569, the privy council had deprived the principal, the sub-principal, and two of the regents of "the College of Auld Abirdene," because they declined to

may have been earlier in the records which have perished, and of which only abstracts and extracts have been preserved.

The thoroughness of the Scottish Reformation is manifested in the Confession, the Book of Discipline, and the Book of Common Order, not only by the strong and vigorous language which in them is applied to the Church of Rome, but also and more effectually by the broad lines of demarcation which are laid down in them.

Of the seven sacraments of the Church of Rome only two were retained, baptism and the Lord's supper, and these two, stripped of their adventitious accretions, and administered in their pristine purity and simplicity, were declared to be more than bare signs.[1] In the Book of Common Order, godfathers are recognised at baptism.[2] They were afterwards known as witnesses and gossips.[3] Unlike their brethren of England, the Reformers of Scotland did not retain confirmation in any shape or form. They not only renounced "holy

subscribe the Confession of Faith, and the other Acts of the Parliaments of August 1560 and December 1567 "concerning the religioun of Jesus Chryst" (*Register of the Privy Council*, i. 675).

[1] Laing's *Knox*, ii. 113–117.

[2] *Ibid.* iv. 187, 190.

[3] On the 29th of July 1584, the kirk-session of St. Andrews, "for eschewing of misordour and tumult and satling of the abuse enterit in the ower great number of witnes or gossoppis to the barnis that ar baptizit in this kirk," resolved that, in all times coming, witnesses asked by the parents "sall sitt still in thair awin places, quhairin thai salbe in for the tyme in the kirk; and nane to stand up tyme of baptisme bot the parent and father of the barne haldand up his awin barne him self onlie, except tua or thre witnes at the maist" (*Register of St. Andrews Kirk-Session*, ii. 533).

order" as a sacrament,[1] but, in the admission of ministers, they approved of no ceremony beyond the public approbation of the people, and the declaration of the chief (or presiding) minister that the person admitted was appointed to serve that kirk; and explained that they did not think that the imposition of hands was necessary, for, although the apostles used it, the miracle had ceased.[2] As for apostolical succession, it was repudiated, along with antiquity and usurped title, as being no sign or note of the true Church.[3]

The Church of Scotland, like that of England, held that the canonical Scriptures contained everything necessary for salvation; but the Confession of 1560 differs from the Thirty-nine Articles, in not recognising the apocryphal books in any way, not even as profitable "for example of lyfe and instruction of maners";[4] and the Confession declares that the interpretation of Scripture appertains neither to private nor public persons, nor to any

[1] "Holy order, according to Catholic doctrine, is a sacrament of the new law, by which spiritual power is given and grace conferred for the performance of sacred duties" (*Catholic Dictionary*, p. 621). The rejected sacraments are very disrespectfully alluded to as bastards in a reformation version of the old song "John Anderson, my jo" (Dauney's *Ancient Scotish Melodies* 1838, p. 260; Johnson's *Scotish Musical Museum*, 1839, iii. 243, 244).

[2] Laing's *Knox*, ii. 193.—In the Second Book of Discipline, however, "impositioun of handis of the elderschip" is mentioned as one of the ceremonies of ordination, the others being fasting and earnest prayer (*Booke of the Universall Kirk*, ii. 493).

[3] Laing's *Knox*, ii. 110.

[4] *Article* vi.

Church, but to "the Spreit of God, by the whiche also the Scripture was writtin."[1] In the event of controversy, as to the meaning of any part or sentence of Scripture, or for the reforming of any abuse in the Church, "we aucht not sa mekle to look what men befoir us have said or done, as unto that whiche the Holy Ghost uniformelie speakis within the body of the Scriptures, and unto that which Christ Jesus himself did, and commanded to be done." And the framers of the Confession go on to show that they did not wish either themselves, or others, to be trammelled by the opinions of fallible men. No interpretation or determination of any doctor, kirk, or council, which repugned to a plain passage of Scripture, could be right, no matter how universally it had been approved. "For we dar nott receave and admitt any interpretatioun whiche directlie repugneth to any principall point of our fayth, to any other plane text of Scripture, or yitt unto the rewll of charitie."[2]

As the Confession has it, everything necessary to be believed for the salvation of mankind "is sufficientlie expressed" in the Bible; or, as the Book of Discipline has it—"In quhilk buykis of Auld and New Testamentis we affirme that all thingis necessarie for the instructioun of the Kirk, and to mak the man of God perfite, is conteaned and sufficientlie expressed."[3]

The practical outcome of all this, so far as the

[1] Laing's *Knox*, ii. 111. [2] *Ibid.* ii. 111. [3] *Ibid.* ii. 111, 185.

individual was concerned, Knox thus laid down to his queen: "Ye shall beleve God, that planelie speaketh in his Word: and farther than the Word teaches you, ye neather shall beleve" Protestant nor Papist. "The Word of God is plane in the self; and yf thair appear any obscuritie in one place, the Holy Ghost, whiche is never contrariouse to Himself, explanes the same more clearlie in other places: so that thair can remane no doubt, but unto suche as obstinatlie remane ignorant." [1]

In the Confession, evil works are defined as, not only those that are expressly done against God's commandment, but those also that, in matters of religion and worshipping of God, have no assurance except the invention and opinion of man, which God has from the beginning ever rejected; as we are taught in these words: "In vane do they wirschepe me, teiching the doctrine being pre-

[1] Laing's *Knox*, ii. 284.—John Hamilton, secular priest, had a very different opinion:—"Ar al merchands, tailzours, souters, baxters, maissons, or uthers artisants, wha cannot lerne thair auin craftis without skilful maisters; ar thir, I say, and uther temporal men, of whatsomever vocation or degree, sufficient doctors of thameselfis to reid and understand the hie mysteries of the Bible, and mak sik glosses and applications of the same as thay forge and formis be thair auin particular spirits, repugnant to that whilk hes beine teachit thir fyftene hunderith yearis bypast be the uniforme doctrine of al the lauful pastors of Christ's universal Kirk? . . . What folie is it that wemen, wha cannot sew, cairde, nor spin without thay lerne the same of uther skilful wemen, suld usurpe to reid and interpret the Bible, and apply the texts thairof as thair licht, vaine, and unconstant spirits inventis? I wald exhort thame to remark that thair first mother Eva, for melling hirself with maters of religion, presumand to interpret the command of God concerning the eatting of the forbiddin aple, procurit be hir doctrine a curs of God to hir and al woman kynd" (*A Facile Traictise*, 1600, pp. 44–46).

ceptis of men."[1] And, in the opening sentence of the Book of Discipline, it is urged as necessary that Christ's Evangel "be trewlie and openlie preached in everie kirk and assemblie of this realme; and that all doctrine repugnyng to the same be utterlie suppressed as damnabill to mannis salvatioun." It is explained that, by the contrary doctrine, is to be understood whatsoever men, "by lawis, counsallis, or constitutionis, have imposed upone the consciences of men, without the expressed commandiment of Goddis Word"; and, as examples of what is meant, the following among others are mentioned:—vows of chastity, the superstitious observance of fasting days, prayer for the dead, keeping of saints' days and feasts invented by the Papists, as the feasts of apostles, martyrs, virgins, and of Christmas, circumcision, epiphany, purification and other fond feasts of Our Lady. Which things, says the Book of Discipline, as they have neither commandment nor assurance in the Scriptures, ought to be utterly abolished from the realm, and the obstinate maintainers and teachers punished by the civil magistrate.[2] This uncompromising condemnation of such days as Christmas was no hasty, ill-considered, passing outburst in the heat of a great struggle. Six years afterwards, in heartily approving of the second Helvetic Confession, the Scots took care, in writing to Beza, to guard themselves on one point: "This one thing,

[1] Laing's *Knox*, ii. 107.
[2] *Ibid.* ii. 185, 186.

however, we can scarcely refrain from mentioning, with regard to what is written in the 24th chapter of the aforesaid Confession concerning the 'festival of our Lord's nativity, circumcision, passion, resurrection, ascension, and sending the Holy Ghost upon his disciples,' that these festivals at the present time obtain no place among us; for we dare not religiously celebrate any other feast-day than what the divine oracles have prescribed."[1] It is only within recent years that the Church of Scotland (in its larger sections) has departed in practice from this deliberate principle of its Reformers.

In another passage of the Book of Discipline, in which the civil rulers are urged to suppress all idolatry and its monuments, it is said: "By idolatrie we understand the messe, invocatioun of sanctis, adoratioun of ymagis, and the keping and retenyng of the same: and finallie all honoring of God not conteaned in his holie Word."[2] This definition cuts very deep.

This principle is inconsistent with what is implied in one passage in the Confession of 1560, as understood by some people. The passage runs thus—

[1] *Zurich Letters*, second series, Parker Society, 1845, pp. 363, 364; Laing's *Knox*, vi. 547, 548 —When the general assembly authorised the printing of Pont's translation of that Confession, it ordered a note to be inserted in the margin concerning these "holy days" (*Booke of the Universall Kirk*, i. 90). "This Confessioun, called commounlie the Latter Confessioun of Helvetia, was allowed not onlie by the Kirk of Scotland, but also Geneve, Savoy, Pole, Hungarie; but not the Kirk of England, becaus of the manie corruptions mainteaned by them, which are condemned in it" (Calderwood's *History*, ii. 332).

[2] Laing's *Knox*, ii. 188, 189.

"Not that we think that ane policie and ane ordour in ceremonies can be appointit for all aigis, tymes, and plaicis; for as ceremonies (sick as men hes devised) ar but temporall, so may and aucht they to be changed, when they rather foster superstitioun, than that they edifie the Kirk using the same."[1]

As Principal Cunningham has said, this is "somewhat loosely expressed."[2] Calderwood held that "the words are not to be so taken as if the Kirk had power to institute sacred rites; but only to make institutions of order and decencie, in the ministration of such rites and parts of divine service as the Lord had already instituted."[3] In the Book of Discipline, "polecie" is explained as being of two sorts, the one "utterlie necessarie," and the other profitable but not absolutely necessary. The true preaching of the word, and the right administration of the sacraments, are utterly necessary; but not so the reading of certain portions of the Scriptures when there is no sermon, or the number of days in a week on which a congregation ought to assemble.[4] As for the word "ceremonies" in that article of the Confession, George Gillespie

[1] Laing's *Knox*, ii. 113.—Here is the parallel passage in the Second Book of Discipline:—"They [*i.e.* assemblies] have power also to abrogat and aboleishe all statutis and ordinances concerning ecclesiastical materis that ar fund noysum or improfitable, or aggrie not with the tyme, or [ar] abuset be the peple" (*Booke of the Universall Kirk*, ii. 498).

[2] *Discussions on Church Principles*, 1863, p. 252.

[3] Calderwood's *True History*, 1678, p. 25.

[4] Laing's *Knox*, ii. 237, 238.—Calderwood in his explanation had this passage in view. So probably had Thomas Forrester, when he said: "By this alterable policy, they mean, such as relates to the variable cir-

maintained that it "must be understoode of alterable circumstances, unto which the name of ceremonies is but generally and improperly applied."[1] These interpretations harmonise the passage with the statements already quoted, which so emphatically condemn will-worship.

In the Confession of 1560, the notes by which the true Church is discerned from the false are given as—(1) "the trew preaching of the Word of God"; (2) "the rycht administratioun of the sacramentis of Christ Jesus"; and (3) "ecclesiasticall discipline uprychtlie ministred, as Godis Word prescribes, whairby vice is repressed and vertew nurished." Wherever these notes are found and continue for any time, there is the true Kirk of Christ, though the number of the flock be never so few above two or three, and there Christ

cumstances of particular churches, and such appointments thereanent as God has left to the regulation of the Christian prudence of Church governours, according to the general rules of the Word" (*The Hierarchical Bishops' Claim*, 1699, part ii. p. 5).

[1] *Dispute Against the English Popish Ceremonies*, 1637, part iv. pp. 38, 39.—"All the books of God are perfect . . . especially the booke of Scripture which was dyted by the Holy Ghost to be a perfect directory to all the churches, unto the second comming of Jesus Christ; but so that it presupposeth the light and law of nature, or the rules of common prudence, to be our guide in circumstances or things locall, temporall, and personall, which being *ecclesiastico-politica* are common to the Church with civill societies, and concerning which the Word giveth generall rules to be universally and constantly observed by all persons, in all times and places" (*Reformation of Church-Government in Scotland cleered from some Mistakes*, 1644, p. 5). This statement may have suggested some of the phrases in the first chapter of the Westminster Confession:—"There are some circumstances concerning the worship of God and government of the Church common to human actions and societies, which are to be ordered by the light of nature and Christian prudence, according to the general rules of the Word which are always to be observed."

Himself, according to His promise, is in the midst of them.[1]

To these three things the utmost importance was attached, as might be shown in many ways. For example, in the Book of Discipline, that the Word be truly preached, the sacraments rightly ministered, common prayers publicly offered, children and rude persons instructed in the chief points of religion, and offences corrected and punished, are described as things so absolutely necessary "that without the same thair is no face of ane visible kirk."[2] Again, although there was a great dearth of "godlie and learned men," a high standard of qualifications was fixed for those who might be admitted to the ministry; for this reason, that it was just as well, perhaps better, to have no minister than to have an incompetent or unprofitable one.[3]

The sacraments were declared to be rightly dispensed when, before the administration, a lawful minister instructed the people, putting them in

[1] Laing's *Knox*, ii. 110.—In another chapter of the Confession, the Word of God truly preached, the sacraments rightly ministered, and discipline executed according to the Word of God, are said to be "the certane and infallible signes of the trew Kirk" (*ibid.* ii. 119). In the Catechism set forth in 1553, by Edward the Sixth's authority, the marks of the true Church are—"first, pure preaching of the Gospel: then brotherly love, out of which, as members of all one body, springeth good will of each to other: thirdly, upright and uncorrupted use of the Lord's sacraments, according to the ordinance of the Gospel: last of all brotherly correction, and excommunication, or banishing those out of the Church, that will not amend their lives" (*Two Liturgies of Edward VI.*, Parker Society, p. 513).

[2] Laing's *Knox*, ii. 237, 238.

[3] *Ibid.* ii. 194.

mind of God's free grace and mercy offered to the penitent in Christ Jesus; and when God's promises were rehearsed, the end and use of the sacraments explained, and that in such a tongue as the people understood; and, further, when nothing was added to them, nothing diminished from them, and no change made from the institution of the Lord and the practice of the apostles.[1]

From holding the mass in the highest reverence, honouring and worshipping the wafer as if it had been Christ Himself, there was now a great recoil—such a recoil that some people did not hesitate to administer, as they supposed, the true sacraments in open assemblies; and others, still more wickedly, dared to counterfeit the same in their houses to their companions.[2] So the framers of the Book of Discipline state, and the statement is known to be well founded. Three days before they had been asked to draw up that Book, the kirk-session of St. Andrews had dealt with a man for saying to one of the deacons: "Will ye give me ane techet to be served the divellis dirt. I sall by ane poynt of wyne and ane laif, and I sall haif als gude ane sacrament as the best of them all sall haif."[3] Other blasphemers of the sacrament were dealt with at and shortly after the same time.[4] The framers of

[1] Laing's *Knox*, ii. 186.

[2] *Ibid.* ii. 253.

[3] *Techet* = ticket or token, *by* = buy, *laif* = loaf. This irreverent speech indicates that communion tickets or tokens were already in use in the Reformed Church.

[4] *Register of St. Andrews Kirk-Session*, i. 34–36.—In or about 1585, a most blasphemous mock-communion was dispensed in the parish of Edmonton in Middlesex (Strype's *Whitgift*, 1718, pp. 247, 248).

the Book of Discipline had, doubtless, these people and such as these in view, when they urged the civil power to make "strait lawis" against the profaners of the sacraments and the manifest despisers of the Evangel. "We dare not prescribe unto you," say they, "what penalties shalbe required of suche: but this we fear not to affirme, that the ane and the other deserve death; for yf he which doeth falsefye the seall, subscriptioun, or coynzie of a king is adjudged worthy of death; what shall we think of him who planlie doeth falsefye the seallis of Christ Jesus, Prince of the Kingis of the earth?"[1] As the Book of Discipline was submitted to "the Great Counsall of Scotland" three months before Parliament passed the Act against the mass, it is not unreasonable to suppose that the penalties imposed by that Act, upon those who administered the sacraments without authority, were derived from this recommendation.

The necessity of discipline is thus stated in the Order of Geneva—

"As no citie, towne, howse, or familie can maynteine their estate and prospere without policie and governaunce, so the Churche of God, which requireth more purely to be governed than any citie or familie, cannot without spirituall policie and ecclesiasticall discipline continewe, encrease, and florishe."

[1] Laing's *Knox*, ii. 254.

And the discipline itself is thus described—

"As the Word of God is the life and soule of this Churche, so this godlie ordre and discipline is as it were synewes in the bodie, which knit and joyne the membres together with decent order and comelynes. It is a brydle to staye the wicked frome their myschiefes. It is a spurre to pricke forward suche as be slowe and necligent; yea, and for all men it is the Father's rodde ever in a readines to chastice gentelye the fautes committed, and to cawse theym afterward to lyve in more godlie feare and reverence. Finallye, it is an ordre left by God unto his Churche, wherby men learne to frame their wills, and doinges, accordinge to the lawe of God, by instructing and admonishinge one an other, yea, and by correctinge and ponishinge all obstinate rebells, and contemners of the same."[1]

The object of this discipline was threefold—(1) that men of evil conversation be not numbered among God's children to their Father's reproach, as if the Church of God were a sanctuary for naughty and vile persons; (2) that the good be not infected by companying with the evil; and (3) that a man thus corrected, or excommunicated, may be ashamed of his fault, and so through repentance come to amendment.[2]

In the Book of Discipline it is declared that blasphemy, adultery, murder, perjury, and other capital crimes, ought not properly to fall under

[1] Laing's *Knox*, iv. 203. [2] *Ibid.* iv. 204.

the censure of the Church, because all such open transgressors of God's law ought to be taken away by the civil sword; but as "accursit Papistrie" had brought such confusion into the world, that neither was virtue properly praised nor vice severely punished, therefore the Church was compelled to draw the spiritual sword against such offenders. To the Church properly appertained the punishment of drunkenness, excess (be it in apparel, in eating or in drinking), fornication, oppression of the poor (either by exaction or deceit), wanton words and licentious living tending to slander.[1] All these faults or failings, and others, were dealt with by the Church-courts in the actual exercise of discipline. There are many notable statements in the Book of Discipline, but perhaps none more so than this—

"To discipline must all estaitis within this realme be subject, yf thay offend, alsweil the reullaris as thay that are reulit; yea and the preachearis thame selfis, alsweill as the poorest within the Churche. And becaus the eye and mouth of the Churche aught to be most single and irreprehensibill, the life and conversatioun of the ministers aucht most diligentlie to be tryed."[2]

This theory was literally and most impartially carried out in practice. For a grave breach of the seventh commandment, Paul Methven, minister

[1] Laing's *Knox*, ii. 227. [2] *Ibid.* ii. 233.

of Jedburgh, who had a good reputation for honesty and godliness, was publicly excommunicated, and deprived of all function in the Church.[1] About a year later, the Lord Treasurer of Scotland, for a breach of the same commandment, had to give public satisfaction in the Church of St. Giles.[2] In 1567, the Countess of Argyle, for assisting at the baptism of James VI. "in a Papisticall maner," was ordained "to make public repentance in the chappell royall of Striveling, upon ane Sonday in tyme of preaching."[3] That was the chapel in which the baptism had been performed.[4] The countess had acted as Queen Elizabeth's deputy, and had received from her a ruby worth five hundred crowns.[5]

The discipline, stern in its nature, was carried out vigorously as well as impartially. Obstinate offenders might occasionally refuse to comply, but had eventually to submit. In spite of the apparent harshness of some of the methods of subduing proud sinners, tenderness was not infrequently manifested for the feelings of transgressors, and also a reluctance to take extreme

[1] *Booke of the Universall Kirk*, i. 29, 32; Laing's *Knox*, ii. 364–367.—After being excommunicated, the culprit was so penitent that he professed his willingness "to underly whatsoever punishment the Kirk of God wald lay upon him, even if it were to lose any member of his bodie" (*Booke of the Universall Kirk*, i. 32).

[2] Bain's *Calendar of Scottish Papers*, ii. 33.

[3] *Booke of the Universall Kirk*, i. 117.

[4] *Diurnal of Occurrents*, pp. 103, 104.—The chapel was in Stirling Castle.

[5] *Bain's Calendar*, ii. 308; *Venetian Calendar*, vii. 387.

steps. Usually one or more members of a kirk-session were magistrates, ready enough to support ecclesiastical authority with civil power and penalties.[1] The fear of excommunication, or the desire to have their children baptised, made some culprits willing, or even anxious, to submit to discipline, and to face the ordeal of the penitent stool. The kirk-session of St. Andrews ordained, in 1594, that all those appointed by the session to make public humiliation should attend "the exerceis of the Catichisme," to learn the doctrine of true repentance, so that, when they came to the stool, they might answer to such "heidis of repentance as the minister sall propone to thame befoir thai be ressavit."[2] Instead of being afraid to answer questions in church, some sinners, in making repentance before the pulpit, uttered "proud and querelling speiches, testifying thairby the pryid of thair hartis and the litill regaird of God and disciplene." It was resolved that such offenders should be repelled for the time

[1] When James VI., at a meeting of his privy council in Holyrood, on 9th February 1579–80, resolved that, in future there should be "ordinar precheing of Godis Word and the stait of a reformit kirk within this his hienes hous," he also resolved that there should be a weekly "sessioun of the ministeris, eldaris, and deaconis thairof," wherever his residence happened to be, and that his "maister of houshald, as ordinar magistrat and justice within his majesteis hous, concur and hald hand to the using and exerceis of the ecclesiasticall discipline and dew puneisment of the contempnaris and offendouris quhatsumevir." All those lodging in the king's palace or house were to be "subject to the discipline of the kirk thairof," and were to give in the names of their servants that they too might be made "answerabill to the kirk and magistrat" (*Register of the Privy Council*, iii. 264, 265).

[2] *Register of St. Andrews Kirk-Session*, ii. 788.

being, and imprisoned till they found surety for their satisfying on the stool.[1] Some were so hardened in iniquity that the kirk-session had to forbid them to bring a sword or gun to the stool of repentance, or to come before the session with such arms.[2]

The stool of repentance was not confined to Scotland. Archbishop Grindal, in his "direction for penance," says—

"Let the offender be set directly over against the pulpit during the sermon or homily, and there stand bareheaded with the sheet, or other accustomed note of difference; and that upon some board raised a foot and a half, at least, above the church floor; that they may be *in loco editiore, et eminentiores omni populo*. . . . It is very requisite that the preacher, in some place of his sermon, or the curate after the end of the homily, remaining still in the pulpit, should publicly interrogate the offenders, whether they do confess their fault, and whether they do truly repent."[3]

Nor were the English modes of humbling sinners all enacted in the church. When penitents were "irreverent or impenitent at their penances," their punishments were to be reiterated and inflicted not in the church but in the market-place, "that though themselves may thereby seem incorrigible, yet their public shame may be a terror

[1] *Register of St. Andrews Kirk-Session*, ii. 910.
[2] *Ibid.* ii. 806.
[3] Grindal's *Remains*, Parker Society, pp. 455, 456.

to others."[1] In one of the Registers of Canterbury every page contains entries of incontinent persons who were "carted," while a man went before them ringing a brazen basin.[2]

Some of the means taken to humiliate offenders may seem to us absurd, or even ludicrous; but they might give a very different impression to the Scots of the sixteenth century. A man who had been excommunicated for persistent contempt of the authority of a kirk-session, but who afterwards showed signs of repentance, was ordered to stand for an hour in the jougs at the church door on Sabbath morning, "wyth ane papar abowt his head, contenyng wryttyn tharupon, *Behald the contempnar*"; and to stand in a public part of the church "wyth the said paper abowt his head" during the time of the preaching, and at the end thereof confess his offence, humble himself upon his knees, and ask God for mercy and the congregation for forgiveness.[3] A man, who had grievously slandered his wife, was ordered to sit down upon his knees in presence of the congregation, and there confess his trespass, and, holding his own tongue in his hand, pronounce these words, "Fals tung thow leid."[4]

[1] Grindal's *Remains*, Parker Society, p. 456.

[2] *Historical MSS. Commission*, Ninth Report, p. 156.

[3] *Register of St. Andrews Kirk-Session*, i. 229.—Dr. Turner was so averse to ecclesiastical dress that in 1565, as Dean of Wells, "he enjoined a common adulterer to do his open penance in a priest's square cap" (*Zurich Letters*, ii. 125).

[4] *Register of St. Andrews Kirk-Session*, i. 441.—A similar formula was used in Aberdeen, but there it does not seem that the culprits were asked

In Beza's opinion, the administration of discipline in England was not in proper hands, and was gravely misapplied.[1] Bishop Keith, while vexed that the prelatical government of the Church of Scotland had been "utterly defaced," and the worship "left naked and bare beyond any example in antiquity," was constrained to admit that its "stricter discipline" was "preferable" to that of England.[2]

For twenty years the Church of Scotland had no presbyteries, nevertheless its government was Presbyterian in spirit. The first general assembly was held in December 1560; and usually it met twice a year thereafter; and, from the first, kirk-sessions were subject to the general assembly. There were so few ministers that it was simply impossible to set up presbyteries at the beginning; but their germ may be traced in the weekly meet-

to hold the unruly member while repeating the humbling words (*Selections from the Ecclesiastical Records of Aberdeen*, 1562–1681, Spalding Club, pp. 7, 75). The formula had been prescribed by the magistrates of Stirling in pre-Reformation days (*Extracts from the Records of the Burgh of Stirling*, 1519–1666, p. 43). One woman, who had grievously slandered another, was ordered, in 1547, to walk, in "sark alane, befoir the processioun apon Sonday nixtocum," and, after asking forgiveness from the slandered woman and her husband, was to say, "Toung, you leid on hir" (*ibid.* pp. 47, 48). Stirling was not the only town where transgressors had humbly, in shirt alone, to head the procession in church. Three years earlier, two men, guilty of assault in Aberdeen, were condemned, as part of their punishment, "to cum to the kirk and pass afor the processioun, sark alane, afor the hie mess, with ane candill of ane pund of wax in thair handis, and efter the said processioun to offer the said tua candillis to Sanct Nicholace wark" (*Extracts from the Council Register of Aberdeen*, 1398–1570, p. 212).

[1] *Zurich Letters*, ii. 129.

[2] Keith's *History*, iii. 205.

ing called *the exercise*, prescribed in the Book of Common Order. The spirit of parity was so strong, that no evidence of a moderator has been found in the earlier general assemblies.

In the Book of Discipline three permanent offices are recognised—ministers, elders, and deacons; and two temporary ones—readers and superintendents. Owing to the great dearth of ministers the two temporary offices were at that time absolutely necessary as well as expedient. In our own day, some of the ministers in the Church of Scotland have readers, to lighten their labour by taking part of the Sabbath service.[1] That is not what was contemplated in the Book of Discipline. The readers therein sanctioned were intended to supply congregations for whom ministers could not be found, and were to be chosen from "the most apt men that distinctlie can read the commoune prayeris [*i.e.* the prayers in the Book of Common Order] and the Scripturis." When they showed that they had qualifications enough they were to be promoted to the ministry.[2]

The scarcity of qualified preachers was so great that if all the ablest men had been settled in particular towns or parishes, there would not only have been widespread murmuring among the people, but the salvation of many might have been endangered for want of the Evangel. And

[1] This practice was in vogue in the early part of the seventeenth century (*Workes of Mr. William Cowper, late Bishop of Galloway*, 1626, p. 680).

[2] Laing's *Knox*, ii. 195, 196.

therefore, the framers of the Book of Discipline say, "we have thocht it a thing most expedient for this tyme," that ten or twelve men should be selected, and each set over a province, "to plant and erect churches, to set ordour and appoint ministeris."[1] They were not to be suffered to live in idleness as the bishops had done; but they were to be preachers themselves, preaching in their visitations at least thrice every week, examining into "the life, diligence, and behaviour of the ministeris," and the order of their churches, and the manners of the people, not staying more than twenty or thirty days in one place, and not more than three or four months in the principal town of their residence. If found negligent in any of his duties a superintendent was to be deposed; and he was subject to the censure and correction of the ministers and elders, not only of his chief town, but also of the whole province of which he was overseer.[2] In this respect there was a radical difference between the office of a hierarchical bishop and that of a superintendent; and this was not the only important distinction. In the Episcopal Church, only bishops have the power of ordination, but a superintendent could be set apart to his office by a single minister.[3] Calderwood pointed out how the two offices differed in thirteen ways;[4] and Brown of Wamphray, in a

[1] Laing's *Knox*, ii. 202. [2] *Ibid.* ii. 204–207. [3] *Ibid.* ii. 149.
[4] *Epistolæ Philadelphi* appended to *Altare Damascenum*, 1623, pp. 31, 32; 1708 edition pp. 726, 727.

work still in manuscript, pointed out no less than twenty-four.[1] It has been suggested that, although the office of superintendent was proposed only as a temporary expedient, there may have been an intention from the first to develop it into that of a hierarchical bishop. This suggestion would have been more plausible if there had not been bishops in the Church that was overthrown. In the Book of Common Order, the office of doctor is recognised as scriptural, but the duties as therein defined are not prelatic. In short, Prelacy is not expressly condemned in the Book of Common Order, in the Book of Discipline, or in the Confession of Faith, but no room is left for it. As Bishop Maxwell said, it "was shouldred out."[3] True-hearted Protestants have no cause to regret this. Neither Tulchan Prelacy nor the more genuine variety which flourished under Spottiswoode and Sharp was a blessing to Scotland; and, at the present day, the lordly prelates of England are doing wondrously little to cast out or counteract the pernicious ritualism which is sapping their Church.

The elders were to assist the minister in all the

[1] *Vindiciæ Fœderum, or a Vindication of the constant Obligation of the Nationall Covenant of Scotland and of the Solemn League and Covenant of the three Kingdomes, in answer to the second part of the Survey of Naphtali, where also the question touching Prelacy is discussed*, pp. 146, 147.—Erskine of Dun said, in 1571, "I understand that ane bischope or superintendent to be but ane office; and whair the one is the uther is" (Richard Bannatyne's *Memoriales*, Bannatyne Club, p. 201). It is hardly necessary to say that Erskine was a superintendent.

[2] Laing's *Knox*, iv. 177.

[3] *The Burden of Issachar*, 1646, p. 28.

public affairs of the Church, especially in looking after the morals and behaviour of the people; and were also to take heed "to the life, manneris, deligence, and studye of thair ministeris." So the Book of Discipline declares, and if a minister were worthy of admonition, the elders were to admonish him; of correction, they were to correct him; of deposition, they, with consent of the Church and superintendent, might depose him. Deacons were to receive the rents and gather the alms of the Church, and distribute the same as appointed. They might also assist the ministers and elders in the kirk-session, and read if required. Both elders and deacons were to be elected yearly, "least, that by long continuance of suche officiaris, men presume upoun the libertie of the Churche"; but they might be re-elected. Those nominated for election were to be "men of best knowledge in Goddis Word, of cleanest life, men faithfull, and of most honest conversatioun." Each congregation was to settle for itself "how the voitis and suffreigeis may be best receaved, so that everie man may gyf his vote frelie."[1] When as yet there was "no publict face of a Kirk, nor open assemblies, bot secreit and privie conventiounis in houses or in the feilds," "the privie kirk of Edinburgh" chose elders and deacons, who after serving for fully a year desired

[1] Laing's *Knox*, ii. 233–237.—According to the Second Book of Discipline, elders who had been called to the office, and were endowed by God with the necessary gifts, might not leave it again, but might relieve one another for a reasonable space (*Booke of the Universall Kirk*, ii. 496).

to be relieved that others might bear the burden. The request was considered reasonable, and they were asked to nominate twice as many as were needed, "to the end that the haill congregatioun micht have thair free vote in thair electioun." Hence it became a custom in Edinburgh for the retiring session to nominate twenty-four men as elders and thirty-two as deacons, although only twelve and sixteen respectively were elected. Any man might object to those nominated, or suggest others whom he thought more fit. In the election voting-papers apparently were used, and all the communicants were urged to vote.[1] The ministers, as well as the elders and deacons, were elected annually in the English congregation at Geneva.

In the Book of Discipline each inferior congregation was required to send an elder and a deacon once a year to report to "the ministrie of the superintendentis churche."[2] The first germ of the Synod may be recognised in this provision.

Presbyteries were not erected throughout the land until 1581, but the commissioners of the Church of Scotland to the Westminster Assembly said that the Reformers of Scotland "intended and designed from the beginning the government of the Church by assemblies and presbyteries, although they could not attain that perfection at first in the infancy of reformation, but gave place to necessity."[3]

1648

[1] Laing's *Knox*, ii. 151–153. [2] *Ibid.* ii. 236.

[3] *Reformation of Church Government cleered from Mistakes*, 1644, p. 11.

IX

MINOR CHARACTERISTICS

The element of covenanting, which entered into the Scottish Reformation, was not one of its most important characteristics; but was one of its most interesting and distinctive; and, as developed in the following century, was destined to be a most prominent factor in the history of Scotland, and for a short time to affect England also.

When, in 1556, the gentlemen of the Mearns "refuissed all societie with idolatrie, and *band thame selfis*, to the uttermost of thare poweris, to manteane the trew preaching of the Evangell of Jesus Christ, as God should offer unto thame preachearis and opportunitie," it is quite possible that they may have subscribed a formal obligation to that effect; but that is not necessarily implied by Knox's language; and the mutual agreement may have been only oral.[1] That a formal band or covenant, however, was drawn up and signed in 1557 is perfectly certain. Not only has Knox preserved a copy of it in his *History*;[2] but there is

[1] Laing's *Knox*, i. 250, 251.

[2] *Ibid.* i. 273, 274.

still in existence a genuine original, with signatures. The subscribers bind themselves, before God and His congregation, that by His grace they shall with all diligence continually apply their whole power, substance and very lives, to maintain, set forward, and establish the most blessed Word of God and His congregation; and labour to have faithful ministers; and maintain and defend them, and the whole congregation of Christ, against the devil and the tyranny of all wicked power. Knox gives "the thrid day of December" 1557, as the date of this band; but in the original the day of the month is not filled into the blank which has been left for it.[1] The reason for the blank probably is that a number of copies were sent out for signature to different localities. Each of these copies would be signed by some of the leaders; and the local subscribers would be expected to fill in the date when they signed. In all likelihood Knox derived his copy from another of the originals than the one which is still known to survive; and this renders the very close correspondence between the two all the more remarkable, as sixteenth century scribes do not appear to have thought it essential to

[1] The text of this band is given in Laing's *Knox*, i. 273, 274; vi. 674, 675; Calderwood's *History*, i. 326, 327; Lorimer's *Scottish Reformation*, 1860, p. 195; *Proceedings of the Society of Antiquaries of Scotland*, xii. 217; and in the *National MSS. of Scotland*, iii., No. xl.—Laing has said (*Knox*, vi. 674) that Calderwood makes the day of the month the 23rd; but in the folio editions of his *History* (p. 5), and also in the Wodrow Society edition (i. 327), he follows Knox in giving the 3rd of December.

follow an original document with literal accuracy, even in giving an officially attested copy.

Brief as this document is, the Protestant party is referred to in it no fewer than seven times as the Congregation. According to George Buchanan, some of the leading Protestants travelled through the country, exhorting the people not to allow themselves, their friends, and their brethren professing the same religion, to be destroyed; and presenting to those who agreed with them bonds for their subscription. "These," he says, "first assumed the name of 'the Congregation,' which those who followed afterward rendered more celebrated."[1] In this band, as may also be noted, their opponents are referred to as "the congregatioune"; and that congregation, the subcribers renounce as "the congregatioune of Sathan with all the superstitioune, abhominatioune, and idolatrie therof."[2] During the crisis of the struggle the leading laymen among the Protestants were known as the Lords of the Congregation. Bishop Keith speaks of the Scotch Protestants of that period as "the Congregationers."[3]

It was soon after subscribing this band of 1557

[1] Aikman's *Buchanan*, ii. 398, 399; cf. Calderwood's *History*, i. 327, 328.—A letter addressed to the queen-regent, dated 22nd May 1559, was subscribed, "Your grace's obedient subjectis in all thingis not repugnant to God, the faithfull congregatioun of Christ Jesus in Scotland" (Laing's *Knox*, i. 327).

[2] Quintin Kennedy, to whom the Church of Rome was "the Kirk of God," says that it was called "the Christiane Congregatioun" (*Wodrow Miscellany*, p. 100).

[3] Keith's *History*, Spot. Soc. ed., i. 189.

that the reforming lords and barons resolved that the common prayers, "with the lessonis of the New and Old Testament, conforme to the ordour of the Book of Common Prayeris," should be publicly read in the parish churches, on Sabbaths and other festival days, by the curates if qualified and willing, otherwise by the most qualified in the parish. The lords and barons also deemed it necessary that there should be preaching and interpretation of the Scriptures in quiet houses, until God moved their sovereign to permit ministers who were faithful and true to preach publicly.[1]

In 1559 the Protestants entered into at least three distinct bands—one at Perth on the 31st of May, another at Edinburgh on the 13th of July, and a third at Stirling on the 1st of August. The first of these runs in the name of the congregations of Fife, Perth, Dundee, Angus, Mearns, and Montrose. By it, they were bound to concur and assist in doing "all thingis required of God in his Scripture, that may be to his glorie; and at thair haill poweris to distroy, and away put, all thingis that dois dishonour to his name, so that God may be trewlie and puirelie wirschipped." And in case of any trouble being intended against any of the congregations, or any part or member of them, the whole congregation was bound to "concur, assist and conveane togidder, to the defence of the samin congregatioun, or persone trubled," and to spare neither labour, goods, nor

[1] Laing's *Knox*, i. 275, 276.

substance, not even bodies and lives, "in manteaning the libertie of the haill congregatioun, and everie member thairof, aganis whatsomevir power that shall intend the said trubill, for caus of religioun, or ony uther caus dependand thairupoun."[1] This binding together of the various congregations, and of their individual members, mightily increased their effective power both for offence and defence.

Twenty days before the band of 31st May had been entered into at Perth, the Reformation had broken out in that town, the monasteries of the Black Friars and the Grey and of the Carthusians had been sacked, and all monuments of idolatry destroyed. Before the band of 13th July was subscribed, St. Andrews had been reformed, with consent of the magistrates, the "idols" burned, and the friaries wrecked; at the abbey of Lindores, altars had been overthrown, images, vestments, and mass-books being burned; the abbey of Scone, despite the entreaties of Knox and others, had been committed to the flames; the friaries of Stirling had been destroyed; the religious places of Linlithgow had been purged of their "monuments of idolatrie"; and in Edinburgh friaries had been sacked, and Knox elected minister. It was meet, therefore, that, in this band of 13th July, the objects aimed at should be clearly set forth; and so the subscribers unite themselves in

[1] The text of this band is in Laing's *Knox*, i. 344, 345; Calderwood's *History*, i. 458, 459; and Keith's *History*, i. 201, 202.

the Lord Jesus, that they may, in one mind and spirit, endeavour, with their whole power and diligence, to walk forward in the ways of the Lord, "laboring to destroy and put downe all idolatrie, abhominationess, superstitioness, and quhatsumevir thing does exalte the selfe against the majestie of our God, and maynteyn and sett up the trew religioun of Christe, his word and sacramentes, and alswa assist and defend the trew ministeris therof." This band also contains a comprehensive clause for mutual defence, and closes by invoking the Holy Spirit to give strength. The number and names of the subscribers at Edinburgh are unknown; but it was described as "the Generall Band" made there "betuix the lordis and baronis of congregatioun." It was afterwards used in St. Andrews as letters of junction to the congregation; and, as such, was signed by more than three hundred and thirty men, including a goodly number of priests. It may have been used in a similar way in other towns, but the records by which this might have been proved are lost.[1]

The band of 1st August was specially intended to counteract the devices of the queen-regent, who, by fair proposals and promises, was trying to detach some of the lords of the congregation from their party, so that she might the more easily defeat it. In this band, therefore, they engaged

[1] The text of this band is in the *Maitland Miscellany*, iii. 211, 212; Laing's *Knox*, vi. 682; *Register of St. Andrews Kirk-Session*, i. 6, 7.

that none of them would go to her though sent for, without consulting the others and obtaining their consent.[1]

In October 1559, the Protestants ventured to suspend the commission which she had received from the king and queen, and chose a council to exercise authority until Parliament met; but they found that, unless they got help from England, they could neither deprive her of real power nor evict the French soldiers from Leith.[2] Even with the help of an English army, the expulsion of the French proved to be a dangerous, difficult and tedious task. Another band was entered into on the 27th of April 1560, and was signed by the nobles, barons and gentlemen "professing Chryst Jesus," and by others who desired to expel the French. In it they again bound themselves to set forward the Reformation according to God's Word, and, by all possible means, to procure free passage for the true preaching of that Word within the realm, with due administration of the sacraments and all things depending on the Word; again there was a clause for mutual defence; and a clause to prevent individual communication with the adver-

[1] The text of this band is in Laing's *Knox*, i. 382; Calderwood's *History*, i. 489; Keith's *History*, i. 224, 225.

[2] By the Treaty of Berwick, 27th February 1559–60, Queen Elizabeth took Scotland into her protection; but only for preserving it in its old freedom and liberty during the subsistence of the marriage of Queen Mary and Francis II., and a year after; and for expelling out of the realm such as were trying to conquer it (Rymer's *Fœdera*, 1713, xv. 570; Haynes' *State Papers*, pp. 253–255; Laing's *Knox*, ii. 46–53; Calderwood's *History*, i. 574–578).

saries; but new elements were introduced. The subscribers promised, not only to concur with one another, but also with the English army, in expelling the French, whose oppressions had been intolerable, and in recovering the ancient freedom and liberty of the country; and also to fortify the authority of the council. The original still exists, and bears about a hundred and fifty signatures;[1] but all of these were not attached on the 27th of April, eight and twenty of them having been obtained on the 6th of May.[2] The queen-regent, it seems, actually saw this band, and, when she saw it, cursed those who had advised her to persecute the ministers, and to refuse the petitions of the best subjects.[3] Ten weeks after the date of this band, the departure of the French was secured by the Treaty of Edinburgh, and as previously mentioned, that treaty was soon followed by a Parliament which ratified the Confession of Faith, and swept the papal tyranny out of Scotland for ever.

Another of these bands may be briefly referred to. It was penned by John Craig, and was commonly known as the King's Confession, but was sometimes referred to as the Second Confes-

[1] *Historical MSS. Commission, Eleventh Report*, appendix, part vi. pp. 42, 43.—The text is also given in Laing's *Knox*, ii. 61–64; Calderwood's *History*, i. 584, 585; Burnet's *History of the Reformation*, third part, 1715, collection of records, pp. 287, 288; and Keith's *History*, i. 273, 274. It and many of the other covenants are reproduced by photography in Dr. King Hewison's *Covenanters*.

[2] Bain's *Calendar of Scottish Papers*, i. 386, 397, 398.

[3] Laing's *Knox*, ii. 64.

sion of Faith.[1] One pervert persisted in calling it "thair negative faith."[2] Much of it is of a negative nature, denouncing the various errors of the papacy in vigorous and unmistakable language; but it is also affirmative, approving the Confession of 1560. The King's Confession was subscribed by James VI. and other thirty-seven persons, including some of the leading nobles, on the 28th of January 1580–81. As signed by them it was entitled, "Ane shorte and generall confessione of the true Christiane fayth and religion according to Godis Worde and Actis of our Perliamentis, subscryved by the Kingis Majestie and his houshold with sindrie otheris to the glorie of God and good example of all men at Edinburght the 28 day of Januare 1580 and 14 yeare of his Majesties reigne."[3] It was afterwards printed, and was by the king's orders subscribed by people of all ranks; but became of still greater importance when incorporated in 1638 in the National Covenant.[4]

[1] Calderwood's *History*, iii. 501; Scott's *Narration*, Wodrow Society, p. 46.

[2] John Hamilton's *Facile Traictise*, 1600, pp. 297, 317, 321, 342, 377.

[3] The text of this band, covenant, or confession, is in Calderwood's *History*, iii. 502–505; Row's *History*, pp. 74–77; *Booke of the Universall Kirk*, ii. 515–518; Dunlop's *Confessions*, ii. 103–107; and in the *National MSS. of Scotland*, iii. No. 70. The original, which had gone amissing, was delivered to the Church of Scotland by Sir John Scott of Scotstarvit in 1646 (Peterkin's *Records of the Kirk*, p. 453). It is now in the Advocates' Library. Bishop Wordsworth, of St. Andrews, does not appear to have known that this covenant was also called the Confession, for a reference in an Act of Assembly of 1638 to "the clause of the Confession where the five bastard sacraments are condemned," led him to search "in vain for any such clause" in the Confession of 1560 (*Discourse on the Scottish Reformation*, 1861, p. 82).

[4] The dates of nearly all these bands or covenants are given in my booklet, *The Story of the Scottish Covenants in Outline*.

The depravity which abounded among the clergy of all ranks in pre-Reformation days had a very deteriorating effect on the morality of the people. As of the clergy, so of the people, all ranks and classes were infected. The Reformed Church, as we have already seen, did its best, by the impartial and persistent exercise of discipline, to repress vice and to nourish virtue; and in this it was ably seconded by the magistrates of the burghs. Knox declares that, before Queen Mary arrived in August 1561, no adulterer, fornicator, or known mass-monger, or pestilent Papist durst have been seen in public within any reformed town of the realm; and he appeals for confirmation to the acts and statutes of these towns.[1]

In connection with this, it may be noted that, on the 2nd of September 1559, that is almost a year before Parliament overthrew the papal power, Knox mentions in a letter that a Protestant ministry had already been established in Edinburgh, St. Andrews, Dundee, Perth, Brechin, Montrose, Stirling, and Ayr.[2] The records of these burghs for that period have not all been preserved, but those which remain confirm Knox's statement. To Dundee belongs the distinction of being the first town in Scotland to have a completely organised Protestant congregation with a regular minister and the sacraments; and there the town council, so early as 10th January 1558–59, passed an Act for preventing immorality, and followed it

[1] Laing's *Knox*, ii. 264. [2] *Ibid.* vi. 78.

up with others for the same purpose.[1] On the 2nd of October 1559, this town council ordained that those who spoke blasphemously of the ministers, elders, or deacons of the congregation, or against their precepts, or the order of discipline, should incur the pains contained in the Act made against those who blasphemed the provost, bailies, and council.[2]

The town council of Edinburgh, on the 10th of June 1560, ordained that all idolaters and dissolute persons, resorting to the burgh, should appear before the kirk-session; or, failing that, the idolaters (*i.e.* the mass-mongers) were to be set upon the market-cross for six hours for the first fault; the dissolute persons were to be carried through the town in a cart for their first fault; both kinds were, for the second fault, to be branded on the cheek and banished from the town; and for the third fault, to be punished by death.[3] It was a bold step for a town council to make idolatry (or the mass) punishable by exhibition on the market-cross, by branding, and by death, while the Roman Catholic Church was still nominally the established church of the realm, and while there were still scores of unrepealed Acts of Parliament in its favour.

Other evidence might be brought to show that magistrates and town councils were willing and ready to help the Reformed Church before it had

[1] Maxwell's *History of Old Dundee*, 1884, pp. 81–86.

[2] *Ibid.* p. 72.

[3] *Extracts from the Records of the Burgh of Edinburgh*, 1557–1571, Burgh Records Society, p. 65.

been recognised by Parliament. They could not have done so unless there had been a strong local feeling in favour of their action; and that there was such a feeling is known otherwise.

It was in June 1559 that Knox preached his famous sermons in St. Andrews, on the ejection of the buyers and sellers from the temple, the immediate effect of which was that the provost and magistrates agreed with the people in removing "all monumentis of idolatrie."[1] Writing on the 23rd of that month, Knox says: "Diverse channons of Sanct Andrewes have given notable confessiouns, and have declared themselves manifest enemies to the pope, to the masse, and to all superstitioun."[2] It does not appear whether these confessions were written or oral; but it is known that, in 1571–72, there were a dozen men serving in the ministry of the Reformed Church of Scotland, who had been Augustinian canons in St. Andrews.[3] In the six weeks preceding the 18th of March 1559–60, John Gresoun, the Provincial-general of the Black Friars in Scotland, Dean John Wilson, formerly a canon of Holyrood, and six and twenty priests publicly recanted in St. Andrews, in

[1] Laing's *Knox*, i. 349, 350. [2] *Ibid.* vi. 26.

[3] In the *Booke of the Universall Kirk* (i. 222), the names of twelve ministers are given, as well as the Bishop of Caithness, and the Prior of Portmoak. The bishop (Robert Stewart) did not discharge the duties of a minister; but the Prior of Portmoak (John Wynram) was Superintendent of Fife. In Calderwood's *History* (iii. 186, 187), only ten ministers are named besides the Bishop of Caithness and the Prior of Portmoak; and in another of Calderwood's MSS. (Wodrow's *Biographical Collections*, Maitland Club, i. 350, 351) the same list is given.

presence of the congregation, and signed their recantations. Knox was then in St. Andrews, and the language of the recantations seems to me to afford indubitable evidence that they were modelled, if not actually drawn up, by him. Authentic copies of them have been preserved in the Register of St. Andrews Kirk-Session. There are four forms. The first part of the one which was used by twelve priests, on "Sounday the 10 of Marche," may be taken as a sample—

"We, quhais names ar under writtin, presentlie renunceis fra thyne furth, and sall utterlie renunce, refuse and forsaik the Bischop of Romme, called the Paip, his cursed and usurped authorite, power and jurisdictioun, opinioun, traditioneiss, and lawes, and in spetiall the law of him quhilk saiis, that it behuiffes us to trow in the Kirk of Romme as nedefull to our salvatioun; and we sall never consent, assent, nor aggree, that that odiouse beast and lechorouss swyne (quhai hais worted and ruted up the Lordes vyneyard sa far as in him was) sall practise, or exerce, or haif ony maner of authorite, jurisdictioun or power, within the Kirk of Christe, heyr in this realme or ellisquhare. And als we renunce and refuse all maner of idolatrie, superstitioun and hypocrisie, and espetiall the mess, as maist abhominable idolatrie, contrarious and repugnant to Christes death and passioun. And als we renunce and refuse all veneratioun or worschipping of sanctes, and purgatorie, contrare and repugnant to the samyn; and frome thyne furth will onlie accept and repute Jesus Christe, the Soone of the aeternall and everliving God, the Redemar of us

and all mankynde frome syn, hell, death, and damnatioun, to be onlie the hiead, rewlar and guidar of his Kirk, als well militant as triumphant."[1]

In this strain the recantation proceeds, the language never flagging in vigour or relaxing in comprehensive grip. With the exception of a few phrases, and the change of the personal pronoun from singular to plural, this recantation is the same as that made by Dean John Wilson. In Gresoun's, there are several clauses more detailed in expression, such as this—

"I grant that na graven image suld be maid and worschippet in the Kirk of God, and that na honour suld be geven therto, and that all exhibitioun of sick honour, exhibite, or to be exhibite, to sick stokkis or stanes, is verray idolatrie, and against the expres command of God."

In the form used by fourteen of the recanting priests, they profess to be acting with unfeigned hearts, without any respect to particular profit, and moved solely by the fear of God and His Word; while the aged Gresoun professes to repent, from the bottom of his heart, his long continued defence of superstition and idolatry, and to detest, abhor and renounce for ever the doctrine of transub-

[1] *Trow* = believe, *worted* = wasted, *exerce* = exercise, *ellisquhare* = elsewhere.—In a supplication which the general assembly addressed to the privy council in 1566, the "Romane Antichryst" is designated "that odious beast" (*Booke of the Universall Kirk*, i. 89).

stantiation, and all other ungodly opinions and inventions of men.[1] Gresoun there is too good reason to believe was not sincere.[2]

The confessions of the Augustinian canons can hardly have been more notable than these recantations. An irrefragable proof of the radical nature of the recent recoil from, and detestation of, the popedom and the distinctive character of the old Church, is furnished by the mere fact that such recantations by priests were publicly made in St. Andrews, so long the head-centre of the papacy in Scotland; and made before any of the Acts of Parliament in favour of that Church had been repealed, and while, by the law of the land, the penalty for impugning the pope's authority was death and confiscation of goods.[3]

Of the congregations mentioned by Knox as having been established in eight towns by the 2nd of September 1559, the records of one only, that of St. Andrews, go back to that year. These show that there was a regular kirk-session in St. Andrews by October 1559, and that that kirk-session dealt with, and gave decisions in, cases of many kinds, including claims of marriage and divorce, while the papacy was yet established by law; and that in one case it sent a summons to Denmark, after an erring wife who had deserted her husband thirty-five years before. Unlike the pope's

[1] The recantations are printed *in extenso* in the *Register of St. Andrews Kirk-Session*, i. 11–18; and in the *Maitland Miscellany*, iii. 215–221.

[2] *Appendix K.*

[3] *Acts of Parliament*, ii. 370.

Kirk, the kirk-session proceeded on the principle that the innocent divorced was free to marry again. By 1562, the general assembly realised that the trial in matters of divorce ought either to be wholly in the hands of the Church, or that the queen and privy council should appoint judges for such cases, and make provision for the due punishment of the guilty persons divorced. It was chiefly because there was no punishment for such offenders that the Kirk felt that it could "no longer sustene that burthen." A few months later, the general assembly ordained that ministers and kirk-sessions should not cognosce and decide in such actions, but only the superintendents and those to whom they gave commission in special cases.[1] The Church afterwards expressed disapproval of the appointment of commissaries to deal with such cases.[2]

When Parliament in 1560 first penalised the celebration of the mass, and abolished the papal jurisdiction, it was only following the lead of the burghs. In the Act, Parliament implied that the mass was already practically suppressed, for the Act states that there are some who stubbornly persevere in their wicked idolatry, saying mass "in quiet and secreit places." The Reformation in Scotland, therefore, though legalised and encouraged in 1560 and afterwards by Parlia-

[1] *Booke of the Universall Kirk*, i. 19, 23, 30.

[2] *Register of St. Andrews Kirk-Session*, i. 268, 269.—In the note on p. 268 of that *Register*, the date 9th of November 1556 should read 9th of November 1566.

ment, cannot be regarded as a Parliamentary movement.

As mentioned in the preceding lecture, the Book of Discipline condemned the observance of saints' days and of such days as Christmas. On the other hand, it recommended that, in great towns, there should either be sermon every day, or else common prayers and reading of the Scriptures; and, in notable towns, it required that one day a week, "besydis the Sunday," should be appointed to the sermon and prayers, which day, during the time of sermon, must be kept free from all exercise of labour as well of the masters as of the servants. Regarding Sabbath services it declared—

"The Sunday must straitlie be keipit, both before and efter noon, in all tounis. Before noon, must the Word be preached and sacramentis ministered, as also mariage solempnissed, yf occasioun offer: after noon must the young children be publictlie examinated in thair Catechisme in audience of the pepill, in doing whairof the minister must tak gret diligence, alsweill to cause the pepill to understand the questionis proponed, as the ansueris, and the doctrine that may be collected thairof. . . . At efter noon also may baptisme be ministered, whan occasioun is offered of great travell before noon. It is also to be observit that prayeris be used at after noon upoun the Sunday whair thair is neathir preching nor catechisme."[1]

[1] Laing's *Knox*, ii. 238, 239.

It would be difficult to define the precise import of the phrase "the Sunday must straitlie be keipit," notwithstanding the explicit directions by which it is followed, as these directions primarily relate to church services. Had the framers of the Book of Discipline been laying down rules for Sabbath observance, other aspects of the question would have been referred to. Although these other matters are not mentioned there, it would be outrageous to suppose that the Reformers had no regard to them. The sentiments of the party are reflected elsewhere.

Under the influence of the Reformation, the town council of Dundee had previously (2nd October 1559) ordained—

"That the Sunday be keepit in the meditation of God's Word, and that na merchants, craftsmen, nor hucksters, open their buiths nor use ony manner of traffic, and in special that na fleshers brek flesh upon the samin. Also, that na taverners, browsters, nor baxters open their buiths nor sell breid, wine nor ale during the time of the preaching upon the Sunday; and quhasoever beis apprehendit doing the contrair sall pay eight shillings unforgiven."[1]

This seems to imply that nothing was to be sold on Sabbath, except bread, ale, and wine, and these not at church hours. A somewhat similar statute

[1] Maxwell's *Old Dundee*, 1884, p. 77. *Browster* = brewer, *baxter* = baker.

was enacted by the town council of Edinburgh, on the 30th of October 1560, which forbade the inhabitants, and those resorting to the town, to "mak merkatt or merchandice, oppin buthe durris, or exerce ony kynd of warldlie operatioun thairin," on "the halie day callit the Sabbaothe day or day of rest, commonlie callit be Sounday." All were enjoined "to be present at the ordenarie sermonis, alsweill efter none as befoir none." No taverns or hostelries were to be open from "the last jow of the bell to the saidis sermonis" until the final end thereof. The fleshmarket and the cattle-market which had both been held on Sabbath were henceforth to be held respectively on Saturday and Thursday.[1] On the 20th of December 1560, the day on which the first general assembly met, the town council of Peebles ordained that in future no man or woman should work on the Sabbath day under the penalty of eight shillings for the first offence, sixteen shillings for the second, and banishment from the town for the third.[2] In 1570, St. Andrews kirk-session ordered a baker's wife to cease selling candles and bread on Sabbath; and, six years later, it ordered another married woman "to desist fra keping of taverine upon the Sabbat day in tyme cuming, undir pain of xl s., and to mak public repentence upon the penitent stule."[3]

[1] *Extracts from the Burgh Records of Edinburgh*, 1557–1571, pp. 85, 86.
[2] *Charters and Documents relating to Peebles*, p. 269.
[3] *Register of St. Andrews Kirk-Session*, i. 343, 421,

In 1526 and again in 1540–41, Parliament had enacted that there should be in Edinburgh three weekly market days for selling bread, namely, Monday, Wednesday, and Friday; and three for selling flesh, namely, "Sounday, Monunday and Thurisday."[1] In the summer of 1562 the general assembly resolved to petition the queen to punish those who broke the Sabbath day by keeping common markets;[2] and, in 1564, she, in a meeting of privy council, forbade her lieges to hold markets or fairs on Sunday.[3] Of all the forms of Sabbath desecration in Scotland, that of Sabbath markets was one of the commonest and most difficult to eradicate. It was not easy to prevent them being held; and, when they were transferred to Saturday or Monday, travelling on Sabbath was thereby so much encouraged that by and by fairs and markets were forbidden on these days also.

In December 1565, the general assembly appointed a fast to be kept on "the last Sonday of February and the first Sonday of Marche nixt following." Knox and Craig drew up the order which was to be followed, and it contains the sentence—"Men that will observe this exercise may not any of the two dayes use any kynde of gammes, but exercise themselves after the publict assemblies in previe meditation with their God."[4] From this it has been not unnaturally inferred that

[1] *Acts of Parliament*, ii. 314, 378.
[2] *Booke of the Universall Kirk*, i. 19.
[3] *Register of the Privy Council of Scotland*, i. 296.
[4] Laing's *Knox*, vi. 416.

some kinds of games were permitted on other Sabbaths after the hours of public worship. The evils which flowed from any such permission may have led to its withdrawal.

The provision of the Book of Discipline that marriages should be on Sabbath had to be relaxed and set aside, as it led to desecration of the Lord's day. Newly married people did not go back to preaching in the afternoon, and there were sometimes disorderly scenes in the streets in the evenings. On the occasion of a marriage in 1574 the kirk-session of St. Andrews sanctioned the playing on Sabbath of "the comede mentionat in Sanct Lucas Evangel of the forlorn sone," on condition that it should be revised by the minister and several members of the university, and that it should be so timed as not to withdraw people from the preaching. For permitting this breach of Sabbath decorum, the kirk-session was dealt with by the general assembly, and did not venture to renew the permission.[1] The assembly now peremptorily forbade all plays on the Lord's day; and those founded on canonical Scripture were forbidden on work-days as well as on Sabbath.[2] And in 1596 it lamented the profanation of the Lord's day by "commoun journeying on the Sabboth, and trysting on warldlie turnes, exerciseing of all kynd of wanton gamis, keiping of mercatts, dancing, drinking, and such like."[3]

[1] *Register of St. Andrews Kirk-Session*, i. 396, 397.
[2] *Booke of the Universall Kirk*, i. 322, 323, 375. [3] *Ibid.* iii. 874.

The forms of Sabbath desecration were very numerous, as were also the transgressors; and kirk-sessions had an endless task in trying to cope with them.

Closely allied with Sabbath-breaking, and looked upon indeed as a form of it, was the neglect of public worship. Those who did not attend the sermons were dealt with; and in some towns captors were appointed, whose duty it was to apprehend those whom they found wandering in the streets or fields in the time of preaching.

As might have been expected, in a Church which rejected as sinful everything in the worship of God which depended on the invention or opinion of man, the services were very plain and simple. Neither in the Book of Common Order, nor the Book of Discipline, nor the Confession of Faith, are ecclesiastical vestments prescribed or even referred to. They are dealt with, however, in a letter which, at the request of the general assembly in 1566, Knox drew up and addressed to the Protestant bishops and pastors of England, urging them to be gentle with those preachers who refused to wear the surplice, corner-cap, or tippet. Though the letter is temperate in tone, and overflows with the spirit of charity, it refers to the objectionable garments as "Romish ragges," and reminds the bishops that the civil authority, which had imposed the use of these vestments, did not always reflect God's light in their statutes; and counsels the bishops to oppose all power that dared

to burden the consciences of the faithful further than God had done in His Word.[1]

In 1575, the general assembly heartily approved of certain directions concerning the apparel of ministers and their wives. They were to eschew all embroidery, all superfluous and vain cutting out, all costly sewing or variant hues in shirts; and such colours in clothing as red, blue, and yellow, which declare the lightness of the mind; all wearing of rings and bracelets, and gold or silver buttons; all gowning, coating, doubleting, and breeches of velvet, satin, or taffeta; all costly gilding of whingers and knives; all silk hats, and hats of divers or light colours. Their whole habit was to be of grave colour, such as black, russet, sad grey, or sad brown. This order was to be observed by their wives as well as by themselves. It is not quite clear whether it was meant to apply to elders and deacons, as well as to ministers and readers; but if they were included in the words, "all the brether serving the functioun of the Kirk," then they were required "to conforme themselves and thair wyves therto."[2] One clause applied only to ministers and readers. They were not to wear plaids in the church, "in tyme of thair ministrie and using thair office."[3] Had they worn pulpit gowns of any kind, it is not at all likely that they

[1] *Booke of the Universall Kirk*, i. 85–88.

[2] According to the Book of Discipline, "the elderis and deaconis, with thair wiffeis and houshaldis must be under the same censure that is prescribit for the ministeris" (Laing's *Knox*, ii. 237).

[3] *Booke of the Universall Kirk*, i. 335.

would have desired to put on plaids. Such is the persistent weakness of human nature that, several years after this Act was passed, ministers had to be admonished for being "insolent in appearell."[1]

As penitent sinners of various kinds were ordered to sit in the church "bare-heidit all the tyme of the sermons,"[2] it would appear that the members of the congregation kept their hats on during that time. This is also implied by Knox's statement that the Earl of Huntly pulled down his bonnet over his eyes when the preacher denounced certain vices.[3] In 1637, George Gillespie says: "A man comming into one of our churches in time of publike worship, if he see the hearers covered, he knowes, by this customeable signe, that sermon is begunne."[4] Thomas Kirk, an Englishman, who visited Dundee in 1677, says: "We heard a sermon at the greatest church; they first sing a psalm, and then the minister begins his prayer, and as soon as he has taken his text they all put on their hats."[5] By the beginning of the eighteenth century many Scottish Presbyterians uncovered their heads during the sermon.[6] The

[1] *Booke of the Universall Kirk*, ii. 692. [2] *Ibid.* i. 160.

[3] Laing's *Knox*, ii. 362.

[4] *Dispute against the English-Popish Ceremonies*, 1637, part iii. p. 86.

[5] Kirk and Thoresby's *Tours in Scotland*, p. 19.—In England, during part of the seventeenth century, it was customary for the people to sit in church with their hats on, and to take them off when they sang the Psalms (Brand's *Popular Antiquities*, Bohn's ed., ii. 323). Some lifted them at the name of Jesus (Marsden's *Early Puritans*, 1853, p. 347).

[6] *An Examination of three Prelatical Pamphlets*, 1703, p. 18.

old custom survived in the Scottish Church at Rotterdam until at least the last quarter of the nineteenth century. At one time the ministers of Scotland may have kept their hats on while preaching, as French and Dutch Protestant preachers did.[1]

Vital importance was attached to preaching and prayer, but praise, though regarded as profitable, was not deemed absolutely necessary in the services of the sanctuary. "In some churcheis," says the Book of Discipline, "Psalmes may be convenientlie sung, in utheris, perchance, thay cannot."[2] Nevertheless, it declares that men, women, and children should be exhorted "to exercise thame selvis in the Psalmes, that when the churche convenith, and dois sing, thai may be the more abill togither with commoun heart and voice to prayse God."[3] As it had even been questioned whether singing might be used in a Reformed Church, it is shown, in the preface to the Order of Geneva (1556), that God's Word approves of it, and that antiquity bears witness to it, and this statement is made—

[1] "He [*i.e.* Alix] was bold and brisk in the pulpit, and when he read his text, he cocked his hatt; but Claud, when he put on his hatt, slipped it on, and dreu down the sides of it" (Wodrow's *Analecta*, ii. 273). "The ministers" of the Church of Holland "are covered in the time of sermon" (Lieut.-Col. Erskine to Wodrow in 1728, *Edinburgh Christian Instructor*, xxvii. 265). This custom was approved by at least one eminent English Puritan. "Mr. Nye told us his private judgement, that in preaching he thinks the minister should be covered, and the people discovered; but in the sacrament, the minister should be discovered, as a servant, and the guests all covered" (Laing's *Baillie's Letters*, ii. 149).

[2] Laing's *Knox*, ii. 238.

[3] *Ibid.* ii. 241, 242.

"As musike or singinge is naturall unto us, and therfore every man deliteth therein; so our mercifull God setteth before our eyes, how we may rejoyce and singe to the glorie of his name, recreation of our spirites, and profit of our selves. But as ther is no gift of God so precious or excellent that Satan hath not after a sort drawen to himself and corrupt, so hath he most impudentlye abused this notable gifte of singinge, chieflye by the Papistes his ministers, in disfiguring it, partly by strange language, that cannot edifie, and partly by a curious wanton sort, hyringe men to tickle the eares and flatter the phantasies."[1]

Not only was the curious singing which tickled the ear, and flattered the fancy, condemned; but in one of the rubrics it is said, "The people singe a Psalme all together, in a playne tune."[2] Every rubric which refers to singing, refers to the singing of a Psalm; and in the preface it is said—

"There are no songes more meete than the Psalmes of the prophet David, which the Holy Ghoste hath framed to the same use, and commended to the Churche, as conteininge the effect of the whole Scriptures."[3]

The first edition of the Order of Geneva (1556) contains "one and fiftie Psalmes of David in Englishe metre." The 1561 edition contains eighty-seven; and the 1564–65 edition, the whole

[1] Laing's *Knox*, iv. 164, 165. [2] *Ibid.* iv. 182. [3] *Ibid.* iv. 165.

hundred and fifty.[1] The Psalms indeed formed such an important part of the Book of Common Order that the general assembly, in December 1564, in prescribing its use, refers to it as the Psalm Book—

"It was ordained, that everie minister, exhorter and reader sall have one of the Psalme Bookes, latelie printed in Edinburgh, and use the order contained therein in prayers, marriage, and ministration of the sacraments."[2]

One or two editions, however, seem to have been issued without the Psalms.[3] It may have been one of these, or a copy which had lost the Psalms, which was reprinted two centuries ago in *The Phenix*, and which the editor characterised as "a grave demure piece, without either responses or Psalms, or hymns, without fringe or philactery; but terribly fortify'd and pallisado'd with texts of Scripture."[4] Each of the fifty-one Psalms in the 1556 edition was provided with a tune; to the eighty-seven Psalms of the 1561 edition there were sixty tunes; and to the completed Psalter of 1564–65 there were a hundred and five tunes.[5]

[1] Laing's *Knox*, iv. 166, 206; vi. 285, 290.—In David Laing's opinion it was highly probable that the 1564 edition was not completed till the early part of 1565. He only knew of one copy (the one in Corpus Christi College, Oxford) dated 1564, but all the copies dated 1565 have 1564 on the title-page of the Catechism (*ibid.* vi. 279, 280).

[2] *Booke of the Universall Kirk*, i. 54.

[3] Laing's *Knox*, iv. 154, 156.

[4] *The Phenix*, ii. p. viii.

[5] Livingston's *Scottish Metrical Psalter*, pp. 13, 41, 42.

So anxious were the Reformers to provide psalmody for the people, that, in 1562, the general assembly resolved to lend Lekprevik, the printer, £200 Scots, "to help to buy irons, ink, and paper, and to fie craftisman," for printing the Psalms.[1] The version completed in 1564-65 held the field in Scotland, until superseded by the present version in 1650.

In the 1556 edition there is a metrical version of the ten commandments; in the 1561 edition there were also three metrical versions of the Lord's Prayer, and one version of the Song of Simeon. These were passages of Scripture more or less paraphrased, which Dr. Begg would have distinguished from mere human hymns; but in the completed version of 1564-65 they were all left out.

Very few copies of the early editions have survived. Of an edition of the Psalms possibly printed in 1567 only one leaf remains, so far as known. The front is the title-page, and on the back there are sixteen lines in metre. The first four form a short prayer, and so do the last four. The intermediate eight form a doxology. A rubric at the top reads: "Sing thir four veirs efter everie Psalme as followis." Over the doxology is this rubric: "And gif ye pleis to sing this Gloria Patri." It has been doubted whether this edition was ever really printed. The existing leaf is the last leaf of the concluding half-sheet of

[1] *Bannatyne Miscellany*, ii. 232.—David Laing refers this to December 1561 instead of December 1562 (Baillie's *Letters*, iii. 526).

the earliest known edition of *The Gude and Godlie Ballatis*, and it has been suggested that the leaf was utilised in this way to serve as an advertisement of a forthcoming or projected edition of the Psalter.[1]

An edition dated 1571, without name of printer or place of printing, but which was probably printed in Geneva, has three spiritual songs—(1) The ten commandments, beginning "Hark, Israel," which version in the English Psalter has the initial "N." (2) "Nunc Dimittis," as in the English Psalter. (3) The Lord's Prayer, a version which in some of the English Psalters is also marked "N," and which begins—

> "Our Father which in Heaven art,
> Lord hallowed be thy name."[2]

The 1575 edition of the Psalm Book contains the following spiritual songs :—"The Lord's Prayer, the X Commandments with the prayer following them, and the Second Lamentation: also Veni Creator, separate from the others." It also contains a

[1] See Mitchell's *Gude and Godlie Ballatis*, Scottish Text Socity, p. lxxx., and the fac-simile of this leaf. Dr. Mitchell was inclined to think that the complete Psalter had been printed, and had been bound up with *The Gude and Godlie Ballatis*. To me this seems improbable for two reasons. Had the Psalter and the Ballatis been bound up together as one book, surely the Psalter would have received the place of honour; and if the Psalter had been completed, or intended to be completed, it is not likely that the title-page would have been printed on the concluding leaf of a half-sheet.

[2] A copy of this very rare edition is in the library of Mr. William Cowan, Edinburgh, who has given me the above information concerning it.

"conclusion," or doxology, for the 148th Psalm.[1] There is no doxology in any of the earlier known editions, save in the doubtful one of 1567.

In the 1587 edition (printed by Vautrollier, at London) this doxology again appears, and the number of spiritual songs is increased to ten; and these ten are reproduced in the 1594 edition (printed by Schilders, in Middleburg); and also in the 1595 edition (Edinburgh, Henrie Charteris). This 1595 edition is said to be the first which contains a set of metrical doxologies, one for each form of metre.[2] As regards the spiritual songs and doxologies, the subsequent editions are not uniform.[3] It is uncertain whether these additions were ever authorised by the general assembly, or whether the spiritual songs were intended to be used in public worship. No one has ever been able to produce satisfactory evidence of such sanction or use; and it is a significant fact that while the completed Scottish Psalter of 1564–65 was largely indebted to the English Psalter of 1562, it does not contain a single hymn, although there were about a score in that English Psalter which might have been borrowed.[4]

The volume best known as *The Gude and Godlie Ballatis*, though exceedingly popular, was

[1] Livingston's *Scottish Metrical Psalter*, p. 13.

[2] *Ibid.* p. 14; and appendix, p. iv.—The 1595 edition is different from all other editions in having "a remarkable series of prayers in the Scottish dialect," one being appended to each Psalm, and "agreeing with the mening thairof."

[3] *Ibid.* p. 34; and appendix, p. ix.

[4] *Ibid.* pp. 13, 28.

never formally approved by the Church; and, indeed, hardly could have been, for several things in it are inconsistent with the teaching of the Book of Discipline.[1] If modern hymn-books are to be taken as the standard, some of its items, so far as sense and substance are concerned, are well worthy of being used in public worship; but others would probably be rejected by the most ardent of modern hymn-singers. Few, it may be presumed, would now care to sing in worship such an one as this, although the sentiment is good and the language vigorous—

> "God send everie priest ane wyfe,
> And everie nunne ane man,
> That thay mycht leve that haly lyfe,
> As first the Kirk began."

Neither in the Book of Common Order, nor in the Book of Discipline, nor in the Confession of Faith, is there any direct reference to instrumental music. The reason probably is that there were comparatively few organs in the English Church in Edward the Sixth's time, and fewer still in Scotland before the Reformation. From several casual contemporary record references it appears that the few which were in Scotland were cast out of the churches; and apparently there was no desire to have them restored. The Dean of Guild of Edinburgh, in 1560–61, in his accounts, acknowledges to have received £6 for "three belleces of the

[1] Such as Christmas carols.

[2] Mitchell's *Gude and Godlie Ballatis*, p. 188.

orgains," which he had sold, and a much bigger sum for a silver cross and two chalices.[1] In 1574 the Regent Morton ordered the organs to be removed from the church at Aberdeen and disposed of for the benefit of the poor.[2]

Several spiritual songs by Alexander Hume, minister of Logie, were printed in 1599. In one of them these lines occur—

"Blis thou my work, be my support,
My teacher, and my guyde,
Then sall my mouth thy praise report
Through all the world so wide.
. . . . .
"Even on my jolie lute, by night,
And trimling trible string,
I sall with all my minde and might
Thy glorie gladlie sing."[3]

He was a musician as well as a poet; and his latter-will shows that he possessed a "luit" and an "uther musicall instrument";[4] but, nevertheless, he did not approve of instrumental music in public worship, for among the corruptions of the Church of England, he specially mentions organs.[5] Their use was also condemned by such men as Calderwood and Rutherfurd.[6] Indeed, it is only within

[1] *Edinburgh Dean of Guild's Accounts*, 1552–1567, pp. 117, 118.
[2] *Register of Privy Council*, ii. 391.
[3] Hume's *Hymns and Sacred Songs*, Bannatyne Club, pp. 5, 6.
[4] Scott's *Fasti Ecclesiæ Scoticanæ*, ii. 735.
[5] Hume's *Hymns and Sacred Songs*, app. p. 13.
[6] In contrasting Presbytery with Prelacy, Calderwood says: "The *Pastor* loveth no music in the house of God but such as edifieth, and stoppeth his ears at instrumental music, as serving for the pedagogy of the untoward Jews under the law, and being figurative of that spiritual joy

the last half-century that, in Scotland, instrumental music in God's worship has come to be regarded as compatible with Presbyterianism and evangelical preaching.

Ministers were not bound to use the prayers in the Book of Common Order; and therefore, in Archdeacon Hardwick's opinion, it "was preparing the way for its own abrogation."[1] That book contained no litany and no responses, and did not give the slightest countenance to those things which, in the revised Liturgy of Edward VI., Knox condemned as "diabolical inventiouns, viz. crossing in baptisme; kneeling at the Lord's table; mummelling or singing of the Letanie."[2] Only in one of the prayers in the Geneva edition is the creed recited;[3] and

whereunto our hearts should be opened under the Gospel. The *Prelate* loveth carnal and curious singing to the ear, more than the spiritual melody of the Gospel, and therefore would have antiphony and organs in the cathedral kirks, upon no greater reason than other shadows of the law of Moses; or lesser instruments, as lutes, citherns, or pipes, might be used in other kirks" (*The Pastor and Prelate*, 1843, p. 4). Rutherfurd asks: "Who can say that the grace of joy in the Holy Ghost, wrought by the droning of organs, and the holinesse taught by surplice, is a work of the Spirit merited by Christ as our High Priest?" And he avers that "altars, organs, Jewish ephods, or surplice, masse-cloaths, and Romish crossing, bowing to altars, images, are badges of Jewish and Popish religion" (*The Divine Right of Church-Government*, 1646, pp. 136, 143). Very miscellaneous music seems to have suited the mass (*infra*, p. 440 *n.*).

[1] Hardwick's *Reformation*, edited by Stubbs, 1883, p. 141.

[2] Laing's *Knox*, vi. 12.—King Edward's Liturgy was apparently used for a short time in Scotland (*supra*, p. 281; *infra*, p. 374).

[3] *Ibid.* iv. 185.—At baptism, however, the father of the child, or in his absence the god-father, was to "rehearse the articles of faithe," *i.e.* the creed (*ibid.* iv. 190); but, in the 1564–65 edition, the rubric was altered, so that after the creed had been thus rehearsed, the minister was to expound it; and the form of exposition is given (*ibid.* vi. 317–323). The Confession of Faith used in the English congregation at Geneva, and

only in two is the Lord's Prayer incorporated.[1] In the baptismal service nothing was used but the element of water, which the minister "taketh in his hand and layeth it upon the childes forehead."[2] In the marriage service there was no ring.[3] For burial there was no service at all, merely the instruction that the corpse was to be brought reverently to the grave accompanied by the congregation, "without any further ceremonies"; and after the interment the minister was to go to the church, if not far off, and exhort the people comfortingly on death and the resurrection.[4]

It is interesting to note that at the close of the Lord's Supper, the rubric says: "The action thus ended, the people singe the 103 Psalm, 'My soule, give laude,' &c., or some other of thancks givynge."[5]

approved by the Church of Scotland, was an exposition of the creed article by article.

[1] Laing's *Knox*, iv. 185, 190.—The Lord's prayer is also appended to a prayer which was "to be used in privat houses every morninge" (*ibid.* iv. 209); and to the prayer in the order of the election of the superintendents (*ibid.* ii. 149).

[2] *Ibid.* iv. 191.

[3] *Ibid.* iv. 198–202.

[4] *Ibid.* iv. 203; vi. 333.—The First Book of Discipline condemns "singing of messe, placebo, and dirige, and all other prayeris over or for the dead," as not only vain and superfluous, but as idolatrous and repugnant to the plain Scriptures of God; and discourages singing and reading at the burial, as injurious to superstitious and ignorant people who think that these are profitable to the dead (*ibid.* ii. 250). Funeral sermons it specially discourages, on the ground that ministers would mainly have to preach such sermons or do so for the rich and honourable and not for the poor and despised (*ibid.* ii. 251). A form of burial, used in post-Reformation days at Montrose, has been preserved in the handwriting of the latter part of the sixteenth century; and one of the *Gude and Godlie Ballatis* is appended to it (*Wodrow Miscellany*, pp. 293–300).

[5] Laing's *Knox*, iv. 197.

This recommendation is still acted on in Scotland, although a different version of the 103rd Psalm is used. In the English congregation at Geneva the Lord's Supper was usually administered once a month or as often as the congregation thought expedient;[1] but in the Book of Discipline four times a year is deemed sufficient; and, to avoid "the superstitioun of tymes," the dates recommended are the first Sabbaths in March, June, September, and December respectively; but liberty was left to any congregation to observe the ordinance oftener or at other times for reasonable causes.[2] In 1562, the general assembly ordained that it should be dispensed four times a year in burghs, and twice a year in landward congregations.[3]

In the opinion of the Scottish commissioners to the Westminster Assembly, the English Puritans would not have required to cross the Atlantic had not the Church of Scotland been then under the domination of Prelacy—

"We may be very confident that the godly people who did transplant themselves out of this iland (the fame of whose piety and zeal shall never suffer detraction or the smalest diminution from our thoughts or words) might have lived in the Church of Scotland injoying the pure ordinances of God with peace in their consciences and comfort to their souls, and would have willingly

[1] Laing's *Knox*, iv. 191.
[2] *Ibid.* iii. 239, 240.
[3] *Booke of the Universall Kirk*, i. 30.

come into Scotland, when they went into New-England, could they have bin free of the usurpation and tyranny of prelates and the prelaticall party, which at that time did reigne and rage in that kingdom [*i.e.* Scotland] vexing the godly ministery and people there with many and bitter sufferings."[1]

Many changes have been introduced in the services of the larger Presbyterian Churches of Scotland in recent years. While multitudes regard these changes as improvements, and think that public worship is now conducted on lines more seemly, more reverent, and more decorous, many are convinced that these innovations have already gone too far, and that there is a real danger of a mongrel Episcopal service being substituted for one which was distinctively Presbyterian. The new services are frequently described as bright and attractive. Nevertheless, whatever the explanation may be, it is an undeniable fact that since their introduction church attendance has diminished all over the country, and so has outward respect for the Sabbath.

[1] *Reformation of Church-Government in Scotland cleered from some Mistakes*, 1644, p. 16.

X

CONSEQUENCES—DESTRUCTION OF MANUSCRIPTS, BOOKS, BUILDINGS, ETC.

In dealing with the consequences of the Reformation, it may be well to begin with its drawbacks, or alleged drawbacks. None of these has been so vehemently condemned or has excited so much odium as the destruction of buildings, altars, images, ornaments, service-books, vestments, and manuscripts. It may be frankly acknowledged that the Scottish Reformers heartily approved of and encouraged the destruction of altars, images, and service-books; and in this they were by no means singular. They were only following the example which had been set in several of the continental countries, and also in England. There is no evidence, however, that they exported and sold the images as the English did.[1] They destroyed

[1] In September 1550, Sir John Masone, the English ambassador in France, informed the privy council of Edward VI. that three or four ships had lately arrived from England laden with images, which had been sold at Paris, Rouen, and other places, and being eagerly purchased, gave occasion to talk, which would have been avoided had their lordships' command for defacing them been observed (*Foreign Calendar, Edward*, p. 55).

them utterly, literally applying the precepts of Scripture concerning the altars and images of the heathen to those of the Roman obedience.[1] Lovers of art may have good cause to regret the loss of priceless treasures, but the Reformers would have been culpable had they, on that score, spared images and altars which they well knew had been the means of fostering idolatry. When immortal souls are in the balance with works of art, no Christian can hesitate as to which should be preferred. Even at the worst, the burning of images and the smashing of altars were very innocent amusements compared with the burning of heretics. In some cases the martyrdom of images was connected with the martyrdom of men, as in St. Andrews, where "the idols" of the cathedral, in which Walter Myll had been tried and condemned, were carried out and burned on the spot where he had suffered.[2]

As for the destruction of MSS. and books, there was apparently much less of that in Scotland than in England, even proportionately. Many years after the dissolution of the English monasteries, an antiquary saw, in the town of Malmesbury, broken windows patched up with remnants of the most valuable MSS. on vellum; and even then the bakers had not consumed all those which they had stored as fuel to heat their ovens. In Oxford, where better things might have been expected,

[1] Exodus, xxiii. 24; Deuteronomy, xii. 3.
[2] *Wodrow Miscellany*, i. 60.

many MSS. were committed to the flames, and others were carried off.[1] Printed books were sent abroad in shiploads, others were sold to merchants who used them as wrapping paper, some were torn up to scour candlesticks, to rub boots, and to serve even baser purposes.[2] Archbishop Parker heard that the Papists themselves had committed to the flames the works of good authors which undermined their doctrines.[3]

In Scotland there were infinitely fewer MSS. and books to destroy. A catalogue of the library of Glasgow Cathedral in 1432 has been preserved. Of course all its books at that time were in MS., as the art of printing was then unknown. Those in the library proper filled only three shelves.[4] Even so late as 1517 there were not many more than two hundred volumes in the library of Arbroath Abbey, one of the largest, most important, and wealthiest abbeys in the kingdom.[5] There was a much more lavish supply of bodily pabulum than of mental. The convent's yearly consumption of victuals included 800 wethers, 9

[1] S. R. Maitland's *Dark Ages*, 1845, pp. 281, 284.

[2] Blades' *Enemies of Books*, 1880, pp. 8, 9.—If as many books, vestments, images and ornaments were destroyed in the other counties of England as in the churches of Lincolnshire, in 1566, the total quantity must have been truly enormous. For the Lincolnshire list, see Peacock's *English Church Furniture*, 1866.

[3] *Zurich Letters*, second series, p. 80.

[4] Cosmo Innes' *Scotland in the Middle Ages*, 1860, pp. 336–340.—A list of the books in the collegiate church of the Blessed Mary and Saint Michael, at Stirling, in 1505, may be seen in Dalyell's *Fragments of Scotish History*, 1798, p. 77.

[5] Theiner's *Monumenta*, p. 526.

score of marts, 1500 keeling, 11 barrels of salmon, 12,000 dry haddocks and speldings, 2 dozen swine and boars, 82 chalders of malt, 30 chalders of wheat, 40 chalders of oatmeal, 4 lbs. of saffron, 16 lbs. of pepper, 2 lbs. of ginger, 2 lbs. of cannel, 2 lbs. of cloves, 1 lb. of granis, 1 lb. of mace, 100 lbs. of almonds, 6 gallons of vinegar, and 6 gallons of honey. The fresh fish cost £60, butter and eggs 20 merks, lambs, veal, grice, and chickens £20, and salt 20 merks.[1]

Many valuable MSS. and books were carried out of the country at the Reformation. James Betoun, Archbishop of Glasgow, afterwards distinguished for his faithful service to Queen Mary, carried off to Paris about four hundred original charters granted by kings and nobles, and some sixteen volumes of transcripts of charters, rentals, and registers of deeds, concerning the temporalities of the See of Glasgow.[2] A beautifully illuminated MS. Bible in the Advocates' Library, for which Ruskin provided a case, is said to have been carried from Dunfermline Abbey to France at the Reformation.[3] Sir Robert Spottiswoode is credited with having recovered on the Continent *The Black Book of Paisley* and other ancient

[1] *Liber S. Thome de Aberbrothoc*, ii. 262, 263. *Wether* = castrated ram; *mart* = cow or ox fattened and killed; *keeling* = cod not full grown; *spelding* = small fish split and dried in the sun; *chalder* = 16 bolls, or 64 firlots or bushels; *cannel* = cinnamon; *granis* = (?) cochineal; *grice* = young pig.

[2] *Miscellaneous Papers*, Maitland Club, p. x.

[3] Old *Statistical Account*, xiii. 453

MSS. which had been taken away by the old clergy.[1]

In December 1560 it was reported that the Earl of Arran and Lord James Stewart had burned "all the bukis and mess-claiths" which they had found in Dalhousie house.[2] At the end of an inventory of Queen Mary's books, prepared in November 1569, when she was a captive in England, there is this entry—"Item tayne be my Lordis Grace and brint vj mess buikis."[3] My lord's grace was the Regent Murray. These six books were probably the service-books of the chapel-royal at Holyrood.[4] About four years afterwards the Regent Morton burned "mess clothes and bakis" at Haddington. The chronicler, who recorded the conflagration, thought it would have been much better to have given the vestments to the poor, who were dying for want of clothes.[5]

In Aberdeen the clergy prepared for the coming storm. Having heard of what had been done in the southern parts of Scotland, the chaplains of the

[1] Gordon's *Scotichronicon*, i. 590.—*The Black Book of Paisley* is a fine MS. on parchment of Fordun's Scotichronicon. It and the many other surviving copies are described by W. F. Skene in his preface to Fordun.

[2] Keith's *History*, iii. 8.

[3] Robertson's *Inventaires de la Royne Descosse*, p. 187.

[4] One of the service-books of Holyrood Abbey, an *ordinale*, a beautiful MS., is in the possession of Mr. Moir Bryce. For descriptions of this and of some other pre-Reformation Scottish MS. volumes, see *Transactions of the Scottish Ecclesiological Society*, ii. 404–408; *Scottish History and Life*, 1902, pp. 266–271.

[5] *Diurnal of Occurrents*, Maitland Club, p. 340.—*Bakis* is obviously a slip for *bukis*.

parish church, on the 16th of June 1559, requested the magistrates to take charge of their chalices, silver-work, copes and ornaments, until, as they said, the "uproir and tumilt" were "put to tranquilite." The magistrates at once appointed responsible custodians.[1] On the 7th of July, the bishop and chapter handed over much of the silver-work of the cathedral for safe-keeping to the canons; and somewhat later they handed over the rest of their silver-work, with a gold chalice, jewelled work, and many vestments, to the keeping of the Earl of Huntly. Careful inventories were made, and Huntly was to hand back those in his charge on ten days' warning, "under paine of God's curse."[2] The foresight of the Aberdonian clergy, like that of the mouse addressed by Burns, proved to be in vain; and their scheme went quite "a-gley."

The citizens of Aberdeen accepted the Reformation; and, on the 6th of January 1561–62, the silver-work, the brass-work, the copes and the ornaments of the parish church, were sold by public auction; and the proceeds were handed over to the treasurer of the burgh, that they might be used for the common good and the necessary affairs of the town as the community should think expedient.[3] In Queen Mary's first northern progress, Huntly fell at Corrichie (28th October 1562);

[1] *Extracts from the Council Registers of the Burgh of Aberdeen*, 1398–1570, Spalding Club, pp. 323, 324.

[2] *Registrum Episcopatus Aberdonensis*, Spalding Club, i. pp. lxxxviii.–xc.

[3] *Extracts from Council Registers of Aberdeen*, 1398–1570, p. 329.

and among the spoils which the queen received were many of the copes, chasubles, and tunicles, which had belonged to the cathedral of Aberdeen. These ought to have been safe in her hands; but seven weeks after Darnley's murder she gave three of the fairest of them to Bothwell, and others were cut down in her presence to make a bed for her infant son.[1] Of the silver-work which the cathedral chapter placed in the custody of the canons, the image of the Virgin Mary, weighing 114 ounces, was entrusted to John Lesley, afterwards Bishop of Ross. This image, regarded as miraculous, is now in the church of Notre-Dame at Brussels, and is known as our Lady of Good Success.[2]

At Inverness, the Black Friars also took time by the forelock, depositing, on the 24th of June 1559, their silver-work and vestments in the hands of the magistrates, under a written obligation to give them up when required.[3]

Three days later, the magistrates and town council of Edinburgh took order for the preservation of the jewels, vestments, and silver-work of the church of St. Giles, including the saint's arm. On the 1st of August 1560, Edinburgh having also embraced the Reformation, it was resolved to sell or coin these things, and to apply the proceeds in repairing and adorning the kirk, in

[1] Robertson's *Inventaires de la Royne Descosse*, p. 53.
[2] *Ibid.* p. xxvi.
[3] *Rose of Kilravock*, Spalding Club, pp. 226, 227.

repairing the town walls, redeeming the town lands, etc.[1]

In Dundee, the ecclesiastical vestments were, by order of the magistrates and town council, sold by public auction on the 7th of August 1559, the purchaser being bound so to alter them that they would never "serve in Papistrie herefter."[2]

St. Duthac's most precious relics at Tain were, on the 16th of July 1560, handed over to the laird of Ballnagone for safe-keeping.[3]

On the 10th of April 1561, the town council of Stirling ordered two silver chalices (the chalice of St. James' altar and St. Peter's chalice) to be sold for twenty shillings per ounce; and, with the exception of £4, for which St. Peter's chalice had been pledged, the money was to be spent on mending the causeway.[4]

In Peebles, early in March 1561–62, vestments were sold by public roup, and the proceeds given to the poor, as the linen clothes were afterwards given. In December 1563 the town council ordained that one of the chalices (and more of them at the pleasure of the bailies) should be converted into money for the use of the treasurer; and in May 1564 it was resolved to sell one of the bells, at not

[1] *Extracts from the Records of the Burgh of Edinburgh*, 1557–1571, pp. 42–44, 70.—The mere fact that the money was to be spent "in speciall upoun the reparatioun and decoring of the kirk" shows that, while the magistrates and town council were in these matters primarily utilitarians, they did not object to adornment as such.

[2] Maxwell's *Old Dundee prior to the Reformation*, pp. 171, 172.

[3] Macgill's *Old Ross-shire*, 1909, p. 9.

[4] *Extracts from the Burgh Records of Stirling*, 1519–1666, p. 78.

less than twenty-four shillings the stone, to reduce the town's debt. In July, however, there were still ecclesiastical ornaments and jewels to dispose of.[1]

After the Reformation, a silver chalice belonging to the kirk of Campsie was converted by the parson into two cups, which in 1599 the presbytery of Glasgow took steps to secure for the ministration of the sacrament in that kirk.[2]

The many beautiful churches and the magnificent monasteries, which were scattered over Scotland, are frequently referred to as so many proofs of an abounding spiritual life in the ages in which they were erected. They were certainly proofs of the great skill and still greater artistic taste of the actual builders; and while it may be frankly admitted that their erection was chiefly due to religious zeal or gratitude, it cannot be denied that the motives were sometimes less admirable, sometimes even base. William of Malmesbury, a Benedictine monk who flourished in the first half of the twelfth century, wrote thus—

"Were there any prelates apparently degenerating from the sanctity of ancient times, that is to say, skilled in secular, indolent in spiritual matters; if there were such, I say, they endeavoured to shade their failings by costly ornaments for their cathedrals. Each of them erected new churches, and adorned the bodies of their saints with silver and gold; lavish of expense, to secure

[1] *Charters and Documents relating to Peebles*, Burgh Records Society, pp. 277, 287, 291, 293, 295.

[2] *Maitland Miscellany*, i. 93, 94.

the good opinion of the beholders. Among these is Ranulph before-mentioned, who, being made Bishop of Durham, purchased some glory for his name by new buildings for the monks and by regard to St. Cuthbert."[1]

This Ranulph, or Ralph, Bishop of Durham, was a contemporary of William of Malmesbury, and had been previously referred to by him as a "plunderer of the rich," an "extirminator of the poor," a "confiscator of other men's inheritance," and a "sink of iniquity."[2] That Ralph was indeed a great builder is testified by the anonymous continuator of Simeon of Durham, who, nevertheless, depicts him as ambitious, selfish, covetous, overbearing, and unpopular.[3]

It would be as hazardous as rash to appraise the vital religion of a nation by the grandeur or the meanness of its ecclesiastical buildings. Who would dare to assert that God was not as sincerely worshipped by the early Scottish Christians in their churches of mud and wattles, or of undressed and unmortared stone, as in the most glorious of the imposing mediæval cathedrals by which they were succeeded? To come nearer to our own day, who would venture to affirm that the Seceders of the eighteenth century, though they met in structures as plain as barns, were less pious, less earnest, or less self-denying than their new-light successors of the twentieth century, who assemble in ornate churches

[1] *Church Historians of England*, iii. 379.
[2] *Ibid.* iii. 278, 344.
[3] *Ibid.* iii. 712–715.

with lofty spires and luxurious pews? The former, if less artistic in their tastes and less pompous in their habits, had less temptation to confound "the beauty of holiness" with material grandeur. There is something in the old saying that, in early times, when the chalices were wooden the prelates were golden; and in later times, when the chalices were golden the prelates were wooden.[1]

Of all the mediæval incentives to church-building none seems to have been more effective than indulgences. A thirteenth-century statute of the Scottish Church provides for the building of Glasgow Cathedral, by ordaining that the scheme should be brought faithfully and earnestly before the parishioners in every church of the kingdom, from the beginning of Lent until the Octave of Easter, that is, from Ash Wednesday to Low Sunday, a period of seven and a half weeks, on all Sundays and feast days after the Gospel at mass; and that an indulgence should be granted to those who contributed to this building scheme. A written copy of the indulgence was to be exhibited; and, as few of the people could read, and fewer still could understand, Latin, its terms were to be distinctly recited in the vernacular.[2] It was to be so recited in public, apparently, in order to prevent the questor or pardoner from unduly exaggerating its virtues.[3]

[1] Camden's *Remaines concerning Britaine*, 1614, p. 250.

[2] Patrick's *Statutes*, p. 25.

[3] The preliminary part of the statute has been already quoted (*supra*, p. 197 *n.*).

The Bishop of Brechin granted an indulgence in 1248 to all who helped the building of the new church of Finchale Priory.[1]

On the 2nd of March 1379-80, the anti-pope Clement VII. granted indulgences for erecting the nave of Aberdeen Cathedral; but deemed it necessary to stipulate that they would not be valid if hawked about by the questors.[2]

In 1460, Mary of Gueldres, the widow—or, as some would say, the wanton widow[3]—of James II. founded a collegiate church and hospital under the shelter of the Calton Hill in the outskirts of Edinburgh. The declared object was the praise and honour of the Holy Trinity, and of the Blessed Virgin Mary, and of St. Ninian and all the saints and elect of God; and likewise the salvation of the soul of the late king, his widow's soul, the souls of her kindred and the soul of Bishop Kennedy. A papal bull, dated 27th August 1463, "contains a grant of plenary indulgence to all persons who should, in a devout spirit of contrition, visit the church in the course of five years, during the feast of its dedication, on the 10th of July, or the following week, called its octaves; and the period was to be further extended every five years, until fifty years had expired. . . . The offerings of each person during the octaves, when making confession, and partaking

[1] *Registrum Episcopatus Brechinensis*, i. p. vii.

[2] *Registrum Episcopatus Aberdonensis*, Spalding Club, i. 131-132.—These questors or pardoners have been aptly described as spiritual pedlars.

[3] Constable's *Major*, p. 388; Pitscottie's *Chronicles*, Scottish Text Society, i. 157, 158; ii. 360, 361.

of the holy eucharist, were put into a coffer with two or more keys, one-third of such contributions being reserved for the papal treasury, 'to assist in carrying on war with the infidels,' the other two-thirds were to be appropriated towards completing the building of the church itself."[1]

These examples, which might be multiplied, are sufficient to show that indulgences were used for raising money in Scotland for church-building purposes centuries before the Reformation. When funds were required for the repair of Exeter Cathedral, in Mary Tudor's reign (1553–58), printed hand-bills were issued, setting forth in the vernacular the advantages which donors of gold, silver, or any sort of goods would receive, in the way of indulgence, pardon and otherwise.[2] A similar plan may have been adopted in Scotland,

[1] *Registrum Domus de Soltre, necnon Ecclesie Collegiate S. Trinitatis, prope Edinburgh*, Ban. Club, pp. xiii.–xv.—The grant by Robert I. to the church of Kirkmacho was given "for the health of his soul, and of the souls of his ancestors and successors, kings of Scotland, and especially for the souls of those whose bodies rest within the church and its cemetery" (*Liber S. Thome de Aberbrothoc*, i. p. xxiii.).

[2] *Trevelyan Papers prior to* A.D. 1558, Camden Society, first part, pp. 218, 219.—The substance of the hand-bill is that "the great indulgence and pardon," granted by diverse holy fathers, popes, cardinals, archbishops and bishops, to all the brothers and sisters and good-doers of Exeter Cathedral, extends to fifty-four years and one lent; that all who give or bequeath any part of their goods to the cathedral are specially prayed for, and shall be partners of all the masses said and done within it and in all colleges, abbeys, priories, and places of religion in the diocese; that they are specially prayed for in the pulpit and recommended to the devout prayers of those present; that four vicars have been ordained for evermore in the cathedral to say masses and pray specially for the donors; and finally, that the present bishop has granted to all the donors forty days of pardon, God's blessing and his own.

although specimens of the hand-bills have not survived.

Other likely means of raising money were not neglected. A thirteenth-century synodal statute of Aberdeen runs thus—

"Likewise when it happens that a priest is called to a sick man, if haply after his confession is heard he desire to make his will, let him diligently advise and persuade him to remember, according to his means, the fabric of the cathedral church, since from it the parochial churches receive the doctrines of salvation. Let all things be done in the execution of this statute by his superior as he shall see to be most advantageous."[1]

It is possible to acquire the most beautiful buildings at too great a cost. It can neither be laudable nor right in the sight of a merciful and righteous God to grind the faces of the poor, or to use unholy means for raising funds, for the most necessary religious purposes, far less for those that are superfluous. Though a stately steeple points heaven-ward, it may be a disgrace, not an honour, to those who reared it. In this dispensation living Christians are the true temple of the Lord, not stone and lime.[2]

As it is commonly assumed that the churches and monasteries of the pre-Reformation period

[1] Patrick's *Statutes*, p. 41.

[2] In his *Priests and People in Ireland*, Mr. Michael J. F. McCarthy tells how magnificent churches are built and beautified in that country, by money wrung from a lean peasantry living in ruined and damp-greened houses.

were an expression of the spontaneous liberality and religious zeal of those days, so it is also frequently assumed that the buildings were in good order up to the time of the Reformation, and that they were then wantonly destroyed and thrown down. And as existing ruins appeal much more to the popular imagination than altars, images, vestments, ornaments, books, and MSS., which have vanished, so the Reformers are most frequently denounced for destroying buildings, and the charge is specially brought against Knox. The truth is that many of the ecclesiastical buildings, especially those on the south side of the Forth, had suffered the utmost violence over and over again at the hands of the English, long before the preaching of Knox had roused the fury of a Protestant mob. Thus, through the vandalism of the English, some of the noblest ecclesiastical buildings in Scotland were in ruins at the time of the Reformation; many parish churches had been destroyed by the lawless borderers; and others had been allowed to fall into a state of disrepair.

There was time enough before the Reformation to renovate or rebuild the structures which had been laid waste in the fourteenth century by Edward I., Edward II., Edward III., and Richard II.,[1] but that cannot be said of those which were

[1] In the *Transactions of the Edinburgh Architectural Association*, v. 141-149, I have dealt briefly with the destruction of Scottish ecclesiastical buildings in the fourteenth century.

wrecked or overthrown in the fifth decade of the sixteenth century, for not only would the task have been an enormous one, even in ordinary circumstances, but in large and important districts of the country the population had been rendered destitute.

In the summer of 1523, Lord Dacre burned and destroyed the whole town of Kelso "that wold burn by any labour," and also cast down the gate-house of the abbey.[1] In September of the same year, the Earl of Surrey overthrew and burned the town of Jedburgh, with its six good towers and its "many honest and faire houses," so thoroughly that no garrisons or people should be lodged there until it was rebuilt. As he reported that he was personally present at the assault of the abbey, "whiche contynued unto twoo houres within nyght," there can be little doubt that it shared the fate of the town.[2] Dryburgh Abbey seems also to have suffered about this time, for, in December 1523, the Duke of Albany, in nominating an abbot, said that it was necessary to appoint one who would zealously rebuild the monastery, the whole surrounding country being wasted by the English, who spared neither age nor sex.[3] Again,

[1] Morton's *Monastic Annals of Teviotdale*, 1832, p. 98.

[2] Ellis' *Original Letters*, first series, i. 214, 215.—Lesley says that they burned both the town and the abbey (*History*, Ban. Club., p. 124; but *cf.* his *De Origine*, 1675, p. 388).

[3] *Letters and Papers of Henry VIII.*, vol. iii., part iii., No. 3632.—In another summary of the same or a similar letter the buildings and produce of the lands are said to have been "miserably wasted and destroyed by the English, who, making continual inroads, spared neither churches,

in 1542, an army under the English Commissioners of the North, including the Duke of Norfolk and the Earl of Hertford, did, as their despatch bears, "burne this towne and abbaye of Kelsall, wiche is rekened to be the Edenburgh of the Marshe and Tevidale, and other villages nere therunto."[1]

The devastation and destruction of 1523 and 1542 were as child's play compared with those of 1544 and the next few years. The Earl of Hertford arrived in the Forth on the 3rd of May 1544, with instructions from Henry VIII. to put all to fire and sword; to sack Edinburgh, and after getting all out of it that he could, to burn, raze, and deface it; to beat down and overthrow the castle; to sack Holyrood-house and as many towns and villages about Edinburgh as he conveniently could; to sack, burn, and subvert Leith, "and all the rest," putting man, woman, and child to the sword, without exception, where he met with any resistance; to pass over into Fife, and there to extend the same destruction and extremity to all the towns and villages he could conveniently reach; and not to forget to spoil St. Andrews, turning it upside down, so that the upper stone might be the nether, sparing no creature alive within the same.[2]

monasteries, nor any other sacred place, nor people of any age or sex; wherefore the monks needed such a superior as would give his whole attention to the affairs of the said abbey, repair its buildings, and restore the worship of God therein" (Morton's *Monastic Annals*, p. 300).

[1] Bain's *Hamilton Papers*, i. 292. *Kelsall* = Kelso; *Marshe and Tevidale* = Merse and Teviotdale.

[2] *Hamilton Papers*, ii. 326.

Hertford did his best—or his worst—to carry out these merciless instructions; and though he could not accomplish them all, notably the St. Andrews item, he did an enormous amount of damage, as his despatches to his royal master show. He tells how Leith was seized, and Edinburgh stormed, and the neighbouring country devastated to within six miles of Stirling. The castle of Edinburgh he could not take; but, having made what he calls "a jolye fyre," the town and also the abbey of Holyrood were "yn maner holly brent and desolate." Kinghorn and other villages in Fife were likewise burned. Leith was also given to the flames, with all the ships and boats that were not worth taking to England. In marching homewards, he burned Musselburgh, Preston, Seton, Haddington, and Dunbar, assuring his king that Haddington and Dunbar "be well brent," with as many other peels, houses, and villages as he could conveniently reach. As he arrived at Berwick-on-Tweed on the 18th of May, all this mischief had been done in a fortnight.[1]

The only ecclesiastical building mentioned by Hertford in these despatches is Holyrood Abbey. In a journal of the expedition, and also in a contemporary tract, many additional details are supplied, as well as lists of the towns and villages which were so pitilessly ruined. In these towns and villages, many parish churches doubtless suffered, though no special mention is made of them. The

[1] *Hamilton Papers*, ii. 362, 363, 367–371, 379, 380.

writers, however, thought it worth while to name the religious houses that were burned, viz. Holyrood Abbey, and the royal palace adjoining the same; Newbattle Abbey; the chapel of Our Lady of Loretto, at Musselburgh; a friary and a nunnery at Haddington. This friary at Haddington must have been the Grey Friars, the house to which the Lamp of Lothian had been attached. Besides these the journal mentions Beanstone Abbey in the parish of Prestonkirk.[1]

Next month (June 1544) the English wardens of the East and Middle Marches rode with nearly four thousand men to Jedburgh. They fired the town, leaving not more, Hertford said, than "two howses unbrent in the same." He added: "the abbey likewise they burned, *as moche as they might for the stone worke.*"[2] In the other contemporary account of this expedition, it is stated that in Jedburgh not only was the abbey burned, but also "the Graye Freres, and dyvers bastell and fortified houses, wherof were many in that towne"; and that in returning to England the church of Morebattle was given to the flames.[3]

In this same month of June the abbey of Coldingham was all burned saving the church.[4]

[1] The journal of the expedition is in Stevenson's *Selections from Unpublished Manuscripts*, Maitland Club, 1837, pp. 3–5; and the contemporary tract which is entitled *The late Expedicion in Scotlande*, was printed in London in 1544, and reprinted in 1798 in *Fragments of Scotish History*, and in 1886 by E. and G. Goldsmid.

[2] *Hamilton Papers*, ii. 405, 407.

[3] *The late Expedicion*, p. 14.

[4] *Ibid.* p. 15.

A few months later this abbey was garrisoned by the English warden of the East Marches.[1]

Over and above all this, a paper has been preserved containing a long series of brief summaries of the "Exployts don upon the Scotts," from the beginning of July until the middle of November 1544. The number of places harried, destroyed, and burned during these four and a half months is thus given: "Towns, towers, stedes, barnekyns,[2] paryshe churches, bastell-houses, 192." The precise number of churches is not stated, but among the burnings mention is made of "one parishe churche" (not named) at the head of "Averdaill," and the church of Eckford. The church of "Eales" was won by assault, eighty Scots having been slain in the abbey and town. Then the victors "burnt and spoyled the said abbay and town saving the churche." As mercilessly was "burnt a market town called Dryburgh, with an abbay in hit, all, saving the churche."[3]

The tale of devastation, from the beginning of May until the middle of November 1544, is, in its extent and virulence, almost incredible. But Hertford returned to Scotland in September next year, and again laid a great part of the country

[1] *Hamilton Papers*, ii. 509.

[2] A *barnekyn* is the outermost ward of a castle, within which were the barns, cow-houses, and stables.

[3] This paper, which fills eight and a half folio pages in type, was compiled from the official reports. It is preserved at Hatfield, and is printed *in extenso* in Haynes' *Collection of State Papers*, 1740, pp. 43–51. By Averdaill is probably meant Anerdaill, that is Annandale; and Eales is Eccles.

waste, and did enormous damage to a number of the religious houses.

One paper which has been preserved gives "the names of the fortresses, abbeys, frere-houses, market townes, villages, towres, and places brent, raced, and cast downe," by his orders, in that invasion, between the 8th and 23rd of September 1545. At the end of the list there is this brief summary—

"Sum total . . 287

"Whereof are—

"In monasteries and frear-houses .	7
"In castells, towres, and piles .	16
"In market townes . . .	5
"In villagies	243
"In mylnes	13
"In spytells and hospitalls . .	3"

From the list itself, it is learned that the abbeys were those of Kelso, Melrose, Dryburgh, Jedburgh, and Eccles; one of the friaries was near Kelso, and the other was at Jedburgh.[1] When it is said that these were burned, razed, and cast down, the words cannot be understood literally of all the buildings. As Hertford had said about Jedburgh in the previous year, in the passage already quoted, it was burned as much as they might for the stone work. It was no easy matter to burn down massive walls; and it would have been a difficult and laborious task to level them with the ground; and the

[1] Haynes' *State Papers*, pp. 52–54.

remaining ruins of the great abbeys of Kelso, Melrose, Dryburgh, and Jedburgh, prove that these four at least were not utterly cast down.

That fire might do immense damage to the stone work, as well as to the wood and lead work, even of a massive building is known, for example, from the results of the accidental fire which, in 1378, broke out in St. Andrews Cathedral.[1] Although Hertford's operations against the abbeys and friaries, therefore, had been confined to burning, the damage done would not have been confined to the wood and lead work; and there was confessedly additional damage to some extent by razing and casting down.

The nature of Hertford's operations at Kelso is explained in a most interesting despatch to Henry VIII., signed by Hertford and others, and dated from the camp at Kelso 11th September 1545. Immediately after his arrival, early in the afternoon of the 9th, a number of his Spanish soldiers, of their own accord, assaulted "the abbey" with their hagbuts.[2] Perceiving the futility of their attempt, Hertford ordered them to retire, and then summoned "the house" to surrender. The six score of Scotsmen, of whom a dozen were monks, refused. Hertford then brought his ordnance to bear upon it, and in little more than an hour made a great breach. Through this breach the

[1] Goodall's *Fordun*, i. 371; ii. 391; Laing's *Wyntoun*, iii. 26, 27; *Book of Pluscarden*, ii. 238.

[2] A *hagbut*, *harquebut*, or *hackbush*, was a heavy hand-gun.

Spaniards "did enter the churche," and handled it so sharply that the Scots were driven into the steeple. It, however, was so strong, and the way so narrow and dangerous, and the night being at hand, the Spaniards—though "they had wonne the churche and all the house in effect saving that steple"—had to delay the assault till next morning. A watch was set "aboute the house," but a dozen of the Scots managed to escape in the darkness. When daylight came the steeple was speedily assaulted and won, and all its defenders slain.

It was neither the mere love of destruction, nor the desire to slay the Scots who had taken refuge within the strong walls of Kelso Abbey, that induced Hertford to make this assault upon the church. Fully three months before the date of this invasion, he had proposed, as one means of keeping the south of Scotland in subjection, that he should seize and fortify Kelso church.[1] Having gained possession, he had reluctantly to confess that his scheme was not practicable, at least not within the time at his disposal. He had discussed the matter carefully and anxiously on the spot with his Italian fortifier and the master-mason of Berwick. There were, he says, "so great and superfluous buildings of stone, of gret height and circuit, as well about the churche as the lodginges,"

[1] *State Papers of Henry the Eighth*, v. 452.—Before leaving Newcastle for the north he had sent to Secretary Paget for the king's inspection, two plans—one of Kelso Abbey, and one of the proposed fortress (*ibid.* v. 509). Archany, the Italian fortifier, had sent a plan in the previous February (*Hamilton Papers*, ii. 544).

which would all require to be cast down and removed before a convenient fortress could be erected, that the mere taking down and removal would occupy at least two months.

Hertford thus paid a high tribute to the strength and extent of Kelso Abbey, for he had not only a powerful army of fighting men with him, but also eleven or twelve hundred pioneers whom he had specially brought to construct the proposed fortress. As the scheme proved, for various reasons, to be impracticable,[1] it was next considered how the time might best be spent to his Majesty's honour, and to the greatest grief and annoyance of the Scots. With this twofold object in view, it was resolved to raze and deface "this house of Kelso," so that the enemy should have little commodity of the same; to burn and lay waste the neighbouring country; to burn Melrose and Dryburgh, and all the corn and villages in the way; and, after five or six days, to march to Jedburgh and burn it.[2]

Two days later, these heroes of the torch reported to their royal master that the abbey and the town of Melrose had now been burned, as had also the abbey of Dryburgh, with thirteen or fourteen towns and villages, and no little quantity of corn. The gentlemen of the Borders said that, for a hundred

[1] Neither the site nor the soil of the abbey answered Hertford's expectations.

[2] The letter of 11th September 1545, signed by Hertford, Knyvet, Sadler, Bowes, and Hoby, is printed *in extenso* in the *State Papers of Henry the Eighth*, v. 513–517.

years, there had not been so much damage done in Scotland in one raid, excepting only Hertford's incursion in May 1544.[1] Five days later still, they reported that the abbey, the friary, and the town of Jedburgh, and all the villages near the town, had been burned; and that they had burned the country on their way to Wark. The season had been an early one, and the crops had been exceptionally good; but the corn was all committed to the flames, whether in fields or stack-yards, whether hid in caves or woods. The destruction now far exceeded that of Hertford's previous invasion.[2]

Hertford's letters do not explain what means he intended to use in razing and defacing Kelso Abbey; but this information is supplied by another account, written by the York Herald, who was present. Orders were given to take off the lead, to undermine the towers and strong places, and to overthrow all; and so the abbey of Kelso was razed, and all put to ruin—houses, and towers, and steeples.[3]

In September 1547, Hertford again visited Scotland. He was now, in this the first year of Edward the Sixth's reign, the Lord Protector Somerset. After the battle of Pinkie (10th September), he seized Inchcolme, which Patten, in his contemporary account, says, "hath in it a prety

[1] This letter of 13th September is also printed *in extenso* in the *State Papers of Henry the Eighth*, v. 517–519.

[2] *State Papers of Henry the Eighth*, v. 521–525.

[3] *Proceedings of the Society of Antiquaries of Scotland*, i. 274, 275.

abbey, but the moonks wear gone."[1] Leith was again burned, but Edinburgh was spared. The abbey and palace of Holyrood, as we have seen, had been burned in 1544; but the work of destruction at that time had been incomplete, or there must have been some reconstruction in the interval. Patten thus relates what was done in 1547—

"Thear stode southwestward, about a quarter of a mile from our campe, a monasterie, thei call it Hollyroode Abbey. Sir Walter Bonham and Edward Chamberlayne gat lycence to suppresse it: whearupon these commissioners makyng first theyr visitacion thear, they found the moonks all gone: but the church and mooch parte of the house well coovered with leade. Soon after, thei pluct off the leade, and had doun the bels (which wear but ii), and accordyng to the statute did sumwhat hearby disgrace the hous."[2]

On the day before Pinkie, a force of two thousand foot and five hundred horse, under Lennox and Wharton, invaded Scotland from the West Marches. In two days they reached Annan. A Scotch captain with gunners held the steeple of the church, and refused to surrender. The invaders had no battery pieces with them; but next morning the six heaviest pieces which they had were turned upon the "battailling,"[3] and archers

[1] Patten's *Expedicion into Scotlande*, reprinted in Dalyell's *Fragments of Scotish History*, 1798, p. 79.

[2] *Ibid.* p. 82.

[3] *Battailling* = battlement, or indented parapet.

and hagbuters were also set to work to keep the besieged engaged, until "a paveis of tymbre"[1] could be drawn to the side of the steeple, so that six pioneers under its protection might undermine the same. But the Scots were so alert that four of the attacking party were slain, and several wounded; and, by dropping great stones from the top of the steeple, they broke the "paveis" after it was in position. Realising that it was hopeless to force the steeple in this way, a number of pioneers were set to cut the wall of the east end of the choir above the earth; and this caused the whole of the end to collapse. The roof also fell, and seven of the Scots were thus killed. The door of the steeple apparently opened into the church high above the ground, and upon it the guns were now turned. In the afternoon, the captain and his fifty-seven men surrendered. Next day, the invaders "cutt and raiced down the churche wallis and steplee, and brent the towne, not leving any thing therin unbrent"; and they were apparently proud to add, "which was the best town in Anerdaill."[2]

During the night of the 25th of December in the same year, an English force of 300 men attacked the abbey of Balmerino, and burned it "with all thyngs that wer in it."[3] It was only a few days later that the same commander burned

[1] *Paveis of tymbre* = large wooden shield.
[2] Bain's *Calendar of Scottish Papers*, i. 19, 20.
[3] Campbell's *Balmerino and its Abbey*, 1899, pp. 238–240, 614.

the Cistercian nunnery at Elcho, near Perth. John Wemyss of that ilk advanced several sums, amounting in all to £1000 Scots, to enable the nuns to rebuild their church and to repair their monastic buildings.[1]

In the spring and early summer of 1548 the English fortified Haddington. Lord Grey of Wilton's first instructions from the Duke of Somerset (January 1547-48) were to lie either in the church or in the tolbooth.[2] Apparently it was not contemplated to make a fort large enough to contain both; and after seeing them, Grey seems to have preferred the tolbooth, for in the later instructions (May 1548) an order was given to take down the church of Haddington.[3] Before the end of June it was reported that the town was well fortified. The friary was closed in; "vamures" and bulwarks had been raised; the great gate had been mured up; and the entry to the friary had been closed. The church, which was outside the fortifications though not far off, was said, in one despatch, to be "in maner" down; and, in another, to be overthrown.[4] In the beginning of July, however, it was admitted that the church still stood, that a great band of the enemy lay behind it, and that

[1] Fraser's *Memorials of the Family of Wemyss of Wemyss*, ii. 188–192, 294, 295; *Supra*, pp. 97, 98.

[2] Bain's *Calendar of Scottish Papers*, i. 64.

[3] *Ibid.* i. 114.

[4] *Ibid.* i. 115, 123, 126, 133. *Vamure* (for vant-mure or avant-mure) is the outwork of a fortification, the defence of the wall, the fore-wall of a town.

their "hacbutters" went to the top and fired into the town.[1]

In another despatch it is stated that although the enemy had fired into the town from the top of the steeple, the ordnance of the town (*i.e.* the English ordnance) had compelled him to leave it; and there is an explicit statement as to what had actually been done in the way of destroying the church. The "vawltes" of the steeple and of the church had been broken; the church had been uncovered; and the pillars had been cut and under-propped, "thynking they might have turnd it over when they hadd lyst," but they failed. That is, the pillars had been cut and under-propped with timber, so that by the application of fire they might collapse without personal risk to the operators. The failure may have been due either to the cutting having been insufficiently done or to fire not having been applied.[2] In the same despatch the opinion is expressed that the failure to overthrow the church would be no disadvantage to the English in holding Haddington, for this reason, "our ordnance beats through the steeple at every shot, and yesterday slew six men at two shots on the far side of the church."[3] The balls, of course, could not go through the solid stone work of the steeple, but might go through

[1] Bain's *Calendar of Scottish Papers*, i. 137.

[2] In January 1578–79, this mode of destruction was successfully applied to the Castle of Lochwood (*Register of the Privy Council*, iii. 99).

[3] Bain's *Calendar*, i. 136.

its windows, or through the open crown by which it is believed to have been surmounted. Before the middle of July the besiegers had constructed a platform in the church; but it was of no use to them, as the English, firing from the town, had beaten the stones about their ears.[1]

The church of Haddington must have suffered terribly at this time.[2] Knox tells a curious story about an attempt which the French troops, who were helping the Scots, made to capture Haddington. In the present connection, it is of interest only for the incidental remark that "the wall of the Freir Kirk" stood "direct foiranent" "the wall of Sanct Katherine's chapell"; and that this kirk and this chapel were then used by the English as beer stores.[3]

In June 1548, it was reported that Lord Grey had burned Newbolton [*i.e.* Newbattle] and

[1] Bain's *Calendar*, i. 146.

[2] In their valuable work, *The Ecclesiastical Architecture of Scotland* (ii. 505), Messrs. Macgibbon and Ross expressed the opinion that when the town of Haddington was subjected to a siege in 1548, "it is not unlikely that the church may have suffered damage . . . as it is stated that certain of the chapels did." When they wrote, Bain's *Calendar of Scottish Papers* had not been published. The operations of 1548 explain the disappearance of all the vaulting.

[3] Laing's *Knox*, i. 223.—Knox of course knew Haddington perfectly. The "Freir Kirk," as he calls it, had been burned by Hertford in 1544. It was the true successor of the Lamp of Lothian, which had been burned by Edward III. two centuries before (Skene's *Fordun*, ii. 364; Goodall's *Fordun*, ii. 354; *Extracta e variis Cronicis Scocie*, p. 184; Constable's *Major*, p. 297). Later writers have spoken of the magnificent parish church of St. Mary, the church which suffered so much in 1548, as the Lamp of Lothian, although, as Dr. Wallace-James has pointed out, it is a totally different building on a different site.

spoiled that abbey.[1] Next month it was notified that the English had sent out a party from Haddington to burn the Cistercian nunnery or abbey, which lay about a mile to the east of the town; but they were repulsed by the French.[2]

The churches and religious houses of Dundee were burned and otherwise seriously damaged by the English in November 1548; and they continued to lie in ruins, "excepting that the choir of St. Mary's had been roofed over and furnished with a few altars," so that, in 1559, "there was little left for iconoclastic revellers to destroy."[3]

A hopelessly ingenious attempt has been made to prove that the Border abbey churches were not destroyed or burnt by the English in Hertford's invasions. It has been alleged that the abbey churches were spared when the abbeys were laid waste. This allegation is based on the notion that "in the sixteenth century 'the abbey' or 'the house' never meant the abbey *church*, but the residence of the abbot or prior," and the houses, perhaps, "of the rest of the religious." In support of this assumption three examples have been given to prove that "a distinction was drawn between 'the abbey' and 'the abbey church' quite formally."

[1] Bain's *Calendar of Scottish Papers*, i. 116.

[2] *Domestic Calendar*, 1601–1603, with addenda 1547–1565, p. 391.—The Scottish Parliament had met in that abbey a few days before, and formally consented that Queen Mary should marry the Dauphin of France (*Acts of Parliament*, ii. 481).

[3] Maxwell's *Old Dundee prior to the Reformation*, pp. 111, 164.

Two of these relate to the burning of Dryburgh in November 1544, and the other to the burning of Eccles in the preceding September. The first example is from an abstract of Lord Eure's letter of 9th November in which these words occur—"Sir George Bowes, Sir Brian Layton, &c., burnt a market town called Dryburgh, with an abbay in hit, all, saving the churche."[1] The second quotation, which is from the Cotton MSS., is to the same effect. The third example is from that abstract of Lord Eure's letter of 27th September, which relates that "the churche" of Eccles had been won by assault, eighty men slain "in the said abby and town," and that the victors had "burnt and spoyled the said abbay and town saving the churche."[2]

Now if "the abbey" in the sixteenth century never meant "the abbey church," there would have been no need to explain in these two cases that the church had been excepted. It is much more natural to suppose that, as the church of a town is part of a town, so the church of an abbey is part of an abbey; and therefore when the church was not burned with the rest of the town or abbey, the narrator who wished to be precise stated that fact.

When Hertford reported, in 1544, that Edinburgh "and also thabbey of Holyrodehouse is yn maner holly brent and desolate," he said nothing about the church being saved or excepted.

[1] Haynes' *State Papers*, p. 51. [2] *Ibid.* p. 47.—See *supra*, p. 333.

Neither in the journal of the expedition, nor in the contemporary tract, is there any hint given that the churches were saved or excepted when the towns or religious houses in which they stood were burned. To me it seems that the rule of their operations was that in burning an abbey they burned as much of it as they could. As already mentioned, when Jedburgh was burned in June 1544, Hertford said that they had also burned the abbey, "as moche as they might for the stone worke." And the contemporary account explains that in the same month Coldingham Abbey "was burnt all *savyng the church.*" Here again is this trumpeted phrase, and here the word *all* makes it clear that the phrase does not imply that the church was not regarded as part of the abbey, but the very opposite. And in this case the reason why the church was not burned is explicitly given. The abbey "was burnt, all savyng the church, which havyng fire in the one ende, smoked so by the dryfte of the wynd toward the Englysh men, that it could not conveniently then be burned."[1] The fire, in fact, had been kindled at the wrong end of the church; and consequently the wind, instead of fanning the flames, annoyed or overpowered the English with the smoke.

Incidental reference has already been made to the burning of St. Andrews Cathedral in 1378. In this connection, it is instructive to notice how

[1] *The Late Expedicion in Scotlande*, 1798 ed., p. 1 .

Archdeacon Bellenden mentions the calamity in his translation of Hector Boece. He says—

"The *abbay* of Sanct Andros was brint, be necligence of ane plumber, quhilk left ane of his hait irnis in ane craw-nest; quhare it rasit sa huge fire, that it micht not be slokin quhill all the *kirk* was brint."[1]

This presentation of the matter by Bellenden is directly in the teeth of the statement, that, "in the sixteenth century 'the abbey' or 'the house' never meant the abbey *church*, but the residence of the abbot or prior," and probably the houses "of the rest of the religious." The fire at St. Andrews began in the church and was confined to the church. Nevertheless, in the first clause of his sentence Bellenden says that "the *abbay* of Sanct Andros was brint." He knew that the fire was in the church, for he finishes the sentence by saying that "it micht not be slokin quhill all the *kirk* was brint." Clearly he understood that the church was part of the abbey, and an important part. He was a contemporary of Hertford's; and it may be safely assumed that he, a dignitary of the church, knew the meaning attached to the word "abbey" in his own day.

One example more may be given. A contemporary thus refers to Hertford's destruction of Newbattle in 1544—

[1] Bellenden's *Boece*, 1821, ii. 455.

"Upoun the xv day of Maij, the horsmen raid to Newbottill and brynt it, and owersaw Dalkeith be the moyane of George Dowglas, and brynt many uther tounes thairabout; na skaith was done to any kirkis exceptand thai distroyit the abbay of Newbottill."[1]

In the usage of this chronicler too, the abbay plainly included the church. Moreover it is admitted that "the English records mention the burning of parish churches." Is it at all likely that the men who burned parish churches would scruple to burn abbey churches?

The fact that the lead from Kelso was actually taken to Wark Castle by the English has been questioned; and a letter from Archany, the Italian engineer, to the Earl of Shrewsbury has been cited, as if it were the sole document bearing on the point. In this letter, Archany mentions that there is much lead at Kelso, lying in the cloister unoccupied, which if brought to Wark would do right good service in covering such places as need.[2] The letter, however, was written seven months before Hertford's invasion in the autumn of 1545, and the lead referred to may have been lying in the cloister since the previous devastation in 1542. That Archany's suggestion was acted on, and the lead actually taken to Wark, is quite certain. In the account written by the York Herald who

[1] *Diurnal of Occurrents*, p. 32.

[2] Archany's letter is dated from Alnwick, 10th February 1544, *i.e.* 1544–45 (*Hamilton Papers*, ii. 549).

accompanied Hertford in 1545, it is not only stated that Hertford ordered the lead of Kelso Abbey to be taken off; but that when the victuals came, two days later, the lead was put on the carts and a week afterwards arrived at Wark.[1]

The English were by no means the only destroyers of Scottish ecclesiastical buildings in pre-Reformation days. As early as the fourteenth century, a form of general excommunication used in the diocese of St. Andrews is levelled *inter alia* against "all who burn churches or houses in time of peace";[2] and in another form—which, towards the close of the fifteenth century, was fulminated four times a year in the vernacular—special mention is made of "al thaim that byrnis kirkis or howsys or consentis tharto without leif askit and obtenit of thaim that has power tharof."[3] Some of the Borderers appear to have destroyed churches wholesale. James v., in an interview with Magnus in January 1528–29, "spoke of the Armstrongs of Liddessdale, who presumptuously said they would not be ordered either by the King of Scots or England, and boasted that they had been the destruction of fifty-two parish churches in Scotland, besides the unlawful attempts they made within England."[4]

Every one who has had any practical experience of buildings knows that they require constant care,

[1] *Proceedings of the Society of Antiquaries of Scotland*, i. 274, 275.
[2] Patrick's *Statutes*, p. 75.
[3] *Ibid.* p. 6.
[4] *Letters and Papers of Henry VIII.*, vol. iv. part iii., No. 5289.

attention, and upkeep. Persistent neglect may be as detrimental as wilful violence. Three centuries before the Reformation, there was such a tendency to allow the churches to become ruinous that David de Bernham, Bishop of St. Andrews, decreed, in 1242, that "the churches be roofed, that the walls be unbroken and not ruinous, the windows of glass and unbroken—those round the chancel to be kept in repair by the rector," and "those round the church" to be "put in order by the parishioners"; and that "the clergy be compelled thereto by the suspension of their stipend until the necessary repairs have been made; the laity, by suspension of their church privileges."[1] And the provincial council of 1549 exhorted "all and sundry abbots, priors, commendators, administrators, prioresses of nuns, also provosts and deans of collegiate churches . . . to repair and restore their churches which may be ruinous and dilapidated, as well in walls as in roof."[2] Such an exhortation would not have been given unless many churches had been in a ruinous or dilapidated condition. For that condition in the southern districts of Scotland, the English were to a large extent directly responsible, but not for all. In his letter addressed to Pope Paul IV. in 1556, Cardinal Sermoneta, after denouncing the scandalous immorality of the nuns in Scotland,[3] says—

[1] Patrick's *Statutes*, pp. 57, 58.
[2] *Ibid.* p. 119.
[3] *Supra*, pp. 64, 65.

"Moreover, seeing that the over-great revenues of the monks seem to be the cause of this unbridled licence, an account of their incomes should be taken, and, when a portion suitable for them has been set aside, the surplus should be applied to the restoration of churches and other buildings, which are falling to decay, as also to the enclosure of such religious houses . . . Moreover it was declared how in the said kingdom very many churches and monasteries had been established of old in stately buildings, but within the last ten years or thereabouts had been reduced to ruins by hostile inroads, or through the avarice and neglect of those placed in charge were crumbling to decay; and this with their revenues undiminished, nay in some cases even greater than at the time of their foundation, with no one to pity these widowed churches, or to take their healing in hand. Wherefore her most serene majesty [Mary, Queen of Scots] made earnest suit to your holiness to appoint prelates of those regions, who by sanction of censure and penalty might compel the aforesaid rulers, abbots, and heads of churches to restore such places as are in need, and to spend a fourth part of all and sundry fruits coming from such benefices as are held by them on the restoration and repair of the said churches, monasteries and benefices."[1]

Business seems to have moved leisurely in Rome. Not until October 1557 did the pope grant a faculty to Cardinal Trivulzio to visit Scotland through some prelate to be deputed by him. Among

[1] Pollen's *Papal Negotiations*, pp. 529, 530.

other things he was "to see that the fabrics of churches of every sort be repaired and restored, and that those who are bound to execute such repairs do their duty."[1] Next March this cardinal spoke to the King of France and the Cardinal of Lorraine in order to obtain information of Scottish affairs, and was told that he would be answered when some Scotsmen of importance arrived, who were expected in a few days.[2] That king's letter of 29th June 1559 to the pope, chiding him for inaction, seems to imply that nothing had been done in the matter.[3] And Archbishop Hamilton's last provincial council ordained and decreed that—

"All ruinous and dilapidated churches within the realm of Scotland shall be rebuilt and repaired in their walls, roofs, ornaments, and all necessaries wont to be repaired by rector and parishioners, and they shall be compelled hereto by the ordinaries by the sequestration of their rents; and monitory letters shall be directed to rectors and their substitutes for the reparation of the chancels of the said churches. And diligent inquisition shall be made by ordinaries against breakers of images, and those who break into and burn churches; and they shall be cited before the ordinaries to be punished according to the prescriptions of law and the canonial enactments. And in like manner process shall be instituted

[1] Pollen's *Papal Negotiations*, p. 8.
[2] *Ibid.* pp. 9, 10.
[3] *Ibid.* pp. 17, 18.

against parishioners for the repairing of the naves of churches and walls of churchyards."[1]

Even though it had been honestly intended to carry out this decree it could not have been done, for exactly one month after this provincial council was closed the destruction of the monasteries was begun in earnest at Perth. The tacit assumption, therefore, that all the ecclesiastical buildings of Scotland were in fair or good condition when that outburst took place is preposterous.

The great outbreak in 1559 was preceded by a much milder and more circumscribed one sixteen years before; and the earlier appears also to have broken out first at Perth. On the 28th of May 1543, the Black Friars of that town raised a summons against several of the citizens, in which it is alleged that, on the 14th of the month, in the morning, while the friars were actually occupied in divine service, these citizens with their servants and accomplices came to the monastery "and struck up their fore yett, broke the locks and bands of the same, and sicklike broke up two inner doors of the throughgang on the north side of the said cloister, and took away with them the locks of the same doors, and broke up the frater door, and took away out of it chandeliers and glasses, and broke their kitchen door, and took off the fire the kettle with their meat, and carried it about the town, and

[1] Patrick's *Statutes*, p. 168.

yet withhold the kettle and pewter dishes one or more from them, and also broke their closure yett which was new made, with great violence and contemption."[1] Writing from Edinburgh on the 4th of September 1543, Sir Ralph Sadler says—

"Trew it is that the towne of Dundee hath rysen and put downe both the Black and Grey Freers within the same towne, and have sacked theyr houses and dryven away the freers; and also another company of 'good Christiens,' as they call them here, have lykewise sacked an abbey in Fyffe and Anguish, called the abbey of Landorse, and turned the monkes out of dores; and if they may be suffered, it is thought they woll procede further to the sackyng of the rest of such as they may handesomely com by."[2]

It is noteworthy that Sadler does not say that the friaries of Dundee and the abbey of Lindores were overthrown, or even that the fabric of any of them was injured. In the *Diurnal of Occurrents* it is said—

"In this tyme thair was ane greit heresie in Dundie; thair thai distroyit the kirkis, and wald have destroyit Abirbrothok kirk, war not the Lord Ogilbie."[3]

This statement regarding the Dundee churches may have been intended to apply only to the

[1] *Historical MSS. Commission, Sixth Report*, p. 714.

[2] *Hamilton Papers*, ii. 15.—Lindores Abbey is in Fife, not in Angus.

[3] *Diurnal*, p. 29. *War not the Lord Ogilbie* = had it not been for the Lord Ogilvie.

churches of the friaries, but even as far as they are concerned it is an exaggeration. In the burgh archives of Dundee a document has been found—an indictment of a hundred and ninety men for riot and treason. One of the charges brought against them was—

"For art and part in the oppression committed on the Friars Preachers and Minorites of Dundee, by coming to their places within the said burgh with convocation of the queen's lieges in great number, armed in warlike manner; and there breaking up the doors and gates of the places, and breaking and destroying the ornaments, vestments, images and candlesticks; carrying off the silvering [?] of the altars, and stealing the bed clothes, cowls, etc., victuals, meal, malt, flesh, fish, coals, napery, pewter plates, tin stoups, etc., which were in keeping in the said place . . . on the last day of August 1543."[1]

As this indictment is so specific in its details, it may be safely inferred that if the buildings had been seriously injured, the fact would have been mentioned. Thus Sadler's actual statement is corroborated, while the misleading summary of it by George Chalmers, which for forty-five years was the only current version, is discredited.[2]

[1] Maxwell's *Old Dundee prior to the Reformation*, 1891, p. 395.

[2] Chalmers' summary of Sadler's letter is in the *Maitland Miscellany*, iv. 82. According to it, "the work began at Dundee by destroying the houses both of the Black and Grey Friars." The laird of Brunstone also exaggerated the damage done to the buildings, when he said that the

In the same letter Sadler tells that, on the very day on which he wrote, there had been a great gathering of armed men with the captains of the foot-band, and part of the governor's retinue, who had entered the Black Friars monastery of Edinburgh with the intention of sacking it, but had been prevented by the townspeople, who, summoned by the ringing of the common-bell, had turned out in such numbers that they were able to defend the friars and to expel the captains from the town.[1] It was afterwards reported that Arran, when reconciled to Cardinal Betoun, confessed that he had consented to the sacking of the Dundee friaries.[2]

On the 11th of June 1546, that is thirteen days after the slaughter of the cardinal, the privy council ordered that, by public proclamation at all the market crosses of the realm, the lieges should be forbidden to cast down, destroy, or take possession of abbeys, kirks, friaries, nunneries, chapels, or other religious houses, or to spoil the churches of their jewels or ornaments, under pain

cardinal and the governor had taken seven or eight of the honestest men of Dundee "for the pulling downe of the fryers" (*Hamilton Papers*, ii. 187), unless "*pulling* downe" is a misreading of "*putting* downe." There is a substantial difference between pulling down the friaries, and putting down the friars.

[1] *Hamilton Papers*, ii. 15.

[2] *Ibid.* ii. 38.—Dr. Lorimer supposed that the popular demonstration against the Dundee friaries was probably due to Wishart's preaching (*The Scottish Reformation*, 1860, p. 107); but it is by no means certain that he was in Scotland in 1543. It is certain that he was in Cambridge in May of that year when the Black Friars of Perth were invaded.

of loss of life, lands and goods.[1] In 1558 the kirk of Echt was burned, and images were cast down in other churches of the diocese of Aberdeen.

The maltreatment of images was not quite a new thing in Scotland. In 1533 Walter Stewart was charged before Archbishop Dunbar with casting down an image in the kirk of Ayr. He was prevailed on to recant, and was set at liberty.[3] Two men were sought for in 1537 for "hangeing of the image of Sanct Francis."[4] Three of the martyrs who were hanged at Perth in January 1543–44 are reported to have been accused of "hanging up the image of St. Francis in a cord, nailing of rams' horns to his head, and a cow's rump to his tail";[5] and in December 1544 two men were handed over to the magistrates of Aberdeen for "hinging of the image of Sanct Franceis."[6] On the 16th of March 1546–47 Stephen Bell had to find surety for underlying the law, for casting down and breaking an image of St. Magdalene in the chapel of the town of Lany.[7]

[1] *Register of the Privy Council of Scotland*, i. 28, 29.—This Act of Privy Council concludes with the remarkable words, "And ordains this Act to be ratiffyt in Parliament." And it was ratified in Parliament on the 9th of the following August (*Acts of Parliament*, ii. 470).

[2] *Spalding Miscellany*, iv. 59.

[3] Stewart was accidentally drowned on his way home. Before being overcome by the water he expressed his regret for recanting, and exhorted his friends to take warning from him (Calderwood's *History*, i. 104).

[4] Pitcairn's *Criminal Trials*, i. 286*.

[5] Cattley's *Foxe*, v. 624.—Surely the last clause ought to read, as in Spottiswoode (i. 147), "a cow's tail to his rump."

[6] *Extracts from Burgh Records of Aberdeen*, 1398–1570, p. 211.

[7] Pitcairn's *Criminal Trials*, i. 335*.

In the autumn of 1556, certain inhabitants of Edinburgh took down the images (apparently in St. Giles) of the Trinity, Our Lady, and St. Francis, and contemptuously broke them.[1] These seem to have been sporadic cases; but now, in 1558, "images war stollen away in all partes of the countrie; and in Edinburgh was that great idole called Sanct Geyle first drouned in the North Loch, after brunt."[2] For that year's procession of St. Giles another idol had to be borrowed, and Knox wrote right merrily of the tumult it occasioned and of Dagon's destruction. It was impossible to arrest the doers, "for the brethrein assembled thameselfis in such sorte, in companyes, synging Psalmes, and prasing God, that the proudast of the ennemies war astonied."[3] On mid-summer day 1562, the town council ordered "the idole Sanct Geyll to be cuttit furth of the townys standert and the thrissill put in place thairof."[4]

[1] *Extracts from Burgh Records of Edinburgh*, 1528–1557, pp. 251, 252.
[2] Laing's *Knox*, i. 256.
[3] *Ibid.* i. 258–261.
[4] *Extracts from Burgh Records of Edinburgh*, 1557–1571, p. 137.

XI

CONSEQUENCES—DESTRUCTION OF BUILDINGS, ETC., IN AND AFTER 1559

The great outburst of popular feeling in 1559 was first manifested in the church of St. John in Perth on the 11th of May, when, after a rousing sermon preached by Knox, a priest imprudently opened a glorious tabernacle. The altars, images, and ornaments of that church were ruthlessly destroyed in an incredibly short time; but the fabric of the building does not appear to have been injured. The monasteries of the Grey Friars, the Black Friars, and the Carthusians fared much worse. According to Knox they "were made equall with the ground," or, as he afterwards phrased it, were "so destroyed that the walles onlie did remane of all these great edifications."[1] It was probably at this time that the Cistercian nunnery at Elcho was destroyed. In a charter granted by the prioress and convent on the 26th of September 1559 it is narrated that before they were able to repay John Wemyss the money he

[1] Laing's *Knox*, i. 323; vi. 23.

had advanced to them, to make good the ravages of the English,[1] they were visited by enemies, their own countrymen, more cruel and more bitter towards their religion, who utterly overthrew their monastery and its buildings, so that they had to flee.[2] The Carmelite friary at Tullilum, to the westward of Perth, would also have been destroyed, says Pitscottie, if Lord Ruthven had not intervened; but the friars were "abolischit."[3] Its buildings, which had become ruinous about the end of the preceding century, had been partly rebuilt and partly repaired.[4]

When the inhabitants of Cupar-Fife heard what had been done in Perth, they purified their parish church by defacing "the images, altars, and other instruments of idolatry," which grieved the curate so much that he committed suicide.[5]

An agreement having been made with the queen-regent, the congregation quitted Perth. In the words of an old anonymous account—

[1] *Supra*, p. 341.

[2] Fraser's *Memorials of the Family of Wemyss*, ii. 192–197.—In a letter of Kirkcaldy's to Sir Henry Percy, assigned to 24th May 1559, it is said that many of the Protestants, "seeing themselves denied of their godly and reasonable request," "have gathered themselves together and have pulled down all the friaries within their [? thir = these] bounds" (*Foreign Calendar, Elizabeth*, i. 278).

[3] Pitscottie's *Historie and Cronicles*, Scot. Text Society, ii. 146.

[4] Fittis' *Ecclesiastical Annals of Perth*, pp. 206, 207.

[5] Spottiswoode's *History*, i. 272; Ruddiman's *Buchanan*, i. 313.—In one of the MS. copies of Pitscottie (Scot. Text Soc. ii. 147) there is the rather enigmatical statement—"the kirk of Coupar was reformed and thair cassin downe." And it is added, "for the quhilk caus the curet thairof callit Schir Allane Haccarstoune brak his neck in his awin bed for hairt sair."

"The congregation departing everie man to his owne house; and as they past, where they found in their way any kirks or chappells, incontinent they purged them, brekin downe the altars and idolls in all places where they come. And soe praising God continually, in singing of psalmes and spirituall songs, they rejoiced that the Lord wrought thus happily with them."[1]

From Perth the lords of the congregation went to St. Andrews. Knox tells that the first day after he came to Fife he preached in Crail, the next day in Anstruther, and the following day in St. Andrews.[2] Of the results of his preaching in Crail and Anstruther he says nothing; but Spottiswoode relates briefly what happened in both—

"The hearers were so moved as they fell immediately to the pulling down of altars and images, and destroyed all the monuments which were abused to idolatry in that town. The like they did the next day in Anstruther."[3]

Buchanan and Pitscottie ignore Anstruther, but their accounts of the proceedings in Crail agree with Spottiswoode's. From Buchanan it is learned that anger had more influence than avarice over the feelings of the crowd;[4] and from Pitscottie, that they "brunt the rude quhilk was ane great

[1] *Wodrow Miscellany*, pp. 58, 59.
[2] Laing's *Knox*, i. 347.
[3] Spottiswoode's *History*, i. 276.
[4] Ruddiman's *Buchanan*, i. 315.

idoll and abussit all men and wemen baitht witht pillgramage."[1] It was to this rood that Lyndsay referred, when, after naming many of the saints and the diseases or troubles which they were supposed to cure or prevent, he said—

> "And sum in hope to get thare haill
> Rynnis to the auld rude of Kerraill."[2]

As the result of his preaching in St. Andrews on the ejection of the buyers and sellers from the temple, Knox says that the magistrates and the community for the most part "did aggree to remove all monumentis of idolatrie, whiche also thay did with expeditioun"; and that the doctors were as "dumb as their idols who were brunt in their presence."[3] He makes no reference to any monastery or other religious edifice in that city having been destroyed or cast down or injured. Buchanan, however, says that the monasteries of the Black Friars and the Grey Friars were levelled with the ground; and in this he is followed by Spottiswoode and Petrie.[4] As far as the Black Friars is concerned this can be shown to be an

[1] Pitscottie's *Historie*, ii. 151.

[2] Laing's *Lyndsay*, iii. 30.—Pitscottie's words imply that this rood was made of wood, for otherwise it could not well have been burned. In October 1500, the sum of £10 was paid for two and a half ells of "satin cramesy, to be anc cote to the rude in Carale"; twenty-two shillings were paid for six ounces of "sewing silk" to be fringes for the coat; and seven shillings and four pence for two ounces of silk to be a belt to the rood (Erskine Beveridge's *Churchyard Memorials of Crail*, p. 25).

[3] Laing's *Knox*, i. 349, 350; vi. 25.

[4] Ruddiman's *Buchanan*, i. 315; Spottiswoode's *History*, i. 276; Petrie's *History*, ii. 204.

exaggeration. Of these two friaries the old anonymous account is probably much nearer the mark when it says that "before the sunn wes downe there wes never inch standing bot bare walls."[1] Bishop Lesley alleges that they "caused cast doun alteris, burne the images of all the kirkis within that citie, and to pull doune the freris places, kirkis and bigginis, with the college kirke of Heuche, and all uther privat chappellis within the toun."[2] I do not know what he means by private chapels; but it will be noticed that, like the other contemporary historians, he does not give the slightest hint as to the fabric of the cathedral having been injured. That is a fable of much later writers.

An eighteenth century poet ventured to affirm that "this magnificent fabric, which was the labour of a hundred and sixty years, under a succession of eleven bishops, was, in the space of one day, utterly demolished in consequence of a seditious sermon preached by Knox."[3] So far from having been utterly demolished three and a half centuries ago, large portions of it are still standing; but it would have been an impossible feat for an unorganised mob to have utterly demolished in one day those portions which have disappeared. Lyon, in his *History of St. Andrews*, while admitting that he could not tell how long it took to reduce

[1] *Wodrow Miscellany*, p. 60.
[2] Lesley's *History*, p. 273.
[3] John Copland's *Saint Andrews*, 1776, p. 56.

the cathedral to its present state, whether it was the work of days or of years, did not hesitate to say—

"The mob were incited to commence pulling down almost all the sacred edifices in the city. They not only demolished, in whole or in part, the monasteries of the Black and Grey Friars, the priory, the provostry of Kirkheugh, and the ancient church of St. Regulus, but the splendid cathedral." [1]

These and similar allegations of the wholesale destruction of the ecclesiastical buildings of St. Andrews have been made so confidently and so often that they have been widely accepted as true. St. Andrews may therefore be taken as a typical case, and as such critically tested.

I have failed to find any evidence whatever to show that the fabric of the cathedral, of the priory, or of the church of St. Regulus suffered the slightest damage at the Reformation. From personal examination I know that the foundations of several of the main walls of the cathedral were very poor, being shallow, comparatively narrow, and mortarless.[2] The piers carrying the great central tower

[1] Lyon's *History of St. Andrews*, 1843, i. 336.

[2] As Mr. G. S. Aitken has said, defective foundations were the weak point of mediæval architecture, as manifested at Chichester, Ripon, and Peterborough (*Abbeys of Arbroath, Balmerino, and Lindores*, 1884, pp. 13, 14). In the *Journal of the Royal Institute of British Architects* (third series, xv. 254–266), the results of inadequate foundations on Winchester Cathedral and Holy Trinity Church, Hull, are graphically exhibited, as well as the modern method of overcoming these results by the grouting machine.

had to be stiffened in pre-Reformation days, and the north wall of the nave had to be strengthened by heavy buttresses. The evidence for these facts is partly above ground and partly below. To me it seems tolerably certain that the ruin of the cathedral was due to a catastrophe, probably hastened by neglect, that the central tower gave way and carried the north wall with it. It is rather remarkable that of the abbey church of Arbroath, which is exposed to much the same winds, the parts which remain and the parts which have disappeared practically correspond with those of St. Andrews Cathedral. This seems to be more than a mere coincidence.[1]

Pre-Reformation builders did not scruple to utilise moulded stones from earlier buildings, and even ornamental tombstones, as if they had been common rubble.[2] Post-Reformation builders were therefore only following the examples of their predecessors, when they went for material to ruinous churches or deserted monastic buildings. After St Andrews Cathedral fell it was used as

[1] "There is nothing to show that the abbey was burned or destroyed by any body at the Reformation" (Hay's *History of Arbroath*, p. 90).

[2] For illustrative proof of this it is not necessary to go beyond St. Andrews. In 1860, a Celtic cross-slab was taken out of the foundation of the cathedral; and in February 1909 ten pieces of Celtic cross-slabs, and a highly decorated cross-shaft eight feet in length, were taken out of the base of the cathedral. These stones were built in when the cathedral was founded in the twelfth century. Some of them at least had been deliberately broken and others thinned, so that they might better suit the purpose of these mediæval vandals, who, in their antipathy to the Celtic church, spared neither artistic work nor the figure of the cross (*Proceedings of the Society of Antiquaries of Scotland*, xliii. 385–399).

a quarry for a long period. Some thirty years ago a dwelling-house in its immediate neighbourhood was pulled down and rebuilt. The architect thought that, as it was so near the cathedral, there would likely be some carved stones in the old walls, and so he inserted a clause in the contract stipulating that any such stones should be handed over. But when the house was actually taken down, he could not enforce this clause, because, as he said, it would have been such a serious loss to the contractor. There was hardly a stone in it that was not carved or moulded. The masons in building that old house had had so much respect to good work that instead of defacing the carved or moulded surfaces, they had turned these to the heart of the wall.

When the old tolbooth of St. Andrews was taken down in 1862, it was found that the western part had been erected at two different periods. The lower storey, which was of course the older, was a strongly built vault. The material had been obtained from some earlier building or buildings of greater magnitude and importance. "The walls were composed of huge massive blocks of polished ashlar, the greater portion of which consisted of window mullions, door and window mouldings of great size and beauty—even the foundation stones had been door pieces, etc., of no mean kind." The upper storey was very different. Its walls were built of "large well-dressed blocks, all of which had been hewn to

suit their various positions," and had not been "in use before in any other building."[1] The age of this upper storey was determined by a prominent stone, bearing the arms of the city, the arms of the provost, and the date, 1565. The absence of carved and moulded stones in a public building, erected in 1565, is a strong negative proof that the cathedral had not then been ruined. The stones of the Grey Friars monastery, which was near at hand, had apparently been utilised or dispersed in less than six years. The Black Friars monastery was not far off, but Lord Setoun, who had acquired it, was prohibited from disposing of the buildings or stones.[2]

Very little of the south wall of the chancel remains, but in what is left there is an indication that the cathedral was in use after the Reformation. There had been a door through this wall in the second bay from the transept. This door, it is evident, was intended for the canons coming from or going to the cloister by the slype under the dormitory. The way in which the sill has been worn down proves that this door was very convenient for and much used by the canons. It has, however, been afterwards built up, and the masonry with which this has been done is three feet thick. It may be presumed that such a convenient door would not be

[1] MS. Account by James Howie, a local antiquary, who eagerly watched the demolition of the old tolbooth.

[2] *Appendix K.*

permanently closed until it ceased to be useful; and it only ceased to be useful in June 1559, when the altars of the cathedral were wrecked and the priory was suppressed. Had the cathedral been ruined, and so unfit for use, there would have been no need to close up that door with a stone-and-lime wall three feet thick. In 1564 it was still in use for the transaction of legal business;[1] and in 1635 Charles I. made provision for building and repairing it.[2]

The only definite contemporary information regarding the treatment of the priory in 1559 occurs in a letter written, on the 20th of June, by Sir James Croft, governor of Berwick. The relevant passage is thus given in the printed calendar: "They have put down the priory of St Andrews in this sort, altering the habit, burning of images and mass-books, and breaking of altars."[3] This statement seems to be intended to cover the cathedral as well; but whether that be so or not, it will be noticed that nothing is said about destroying the buildings. In May 1560 there was a sang-school in the abbey;[4] the Earl and Countess of Murray afterwards resided in it;[5] and some of the canons "continued still about the

[1] John Scott's *Protocol Book*, 1564–1575, foll. 4, 5.

[2] *Appendix L.*

[3] *Foreign Calendar, Elizabeth*, i. 321.—Eloquent evidence of the contempt and detestation with which the images were then regarded was furnished a few years ago by the discovery of fragments of several of them in the latrine of the priory.

[4] *Register of St. Andrews Kirk-Session*, i. 40.

[5] *Appendix M.*

monasterie till their death."[1] In 1570 the chapter met in the senzie-chamber.[2] In another of its buildings, "the new innes" (the *hospitium novum*), James VI. lodged in 1580;[3] and either in it or "the old innes" (the *hospitium vetus*) in 1583.[4] In 1581 Parliament ratified the right of the citizens to hold a yearly fair within the cloister.[5] "Understanding that the houssis, biggingis, girnellis, orcherdis, yardis, doucattis, kaithspell, cloistour, and haill office, cituat within the boundis and precinct of the priorie and abbay place of Sanctandrois, and the wallis thairof callit the abbay wallis, is for the maist part alreddie decayit, and dalie decayis and becummis ruynous in sik sort that the samin be proces of tyme will alluterlie decay," the estates of Parliament in 1597 empowered the commendator, the Duke of Lennox, "to sett in fewferme" any part or parts of these.[6] How far any of the buildings had by that time gone to ruin, or to what extent this Act may have helped to preserve them, it is now impossible to say; but the words, "alreddie decayit, and dalie decayis and becummis ruynous," imply that the imperfect

[1] Martine's *Reliquiæ*, p. 170. See also *Appendix N.*

[2] Martine's *Reliquiæ*, pp. 40, 41.

[3] James Melville's *Autobiography and Diary*, Wodrow Society, p. 81.

[4] "The new innes" (Moysie's *Memoirs*, Bannatyne Club, p. 45); "the auld ins" (Sir James Melville's *Memoirs*, Maitland Club, p. 287).

[5] *Acts of Parliament*, iii. 239.

[6] *Ibid.* iv. 155.—*Girnellis* = granaries, *doucattis* = pigeon-houses, *kaithspell* = cachepill or ketchpill, a covered court for playing at hand-ball or tennis, *sik* = such, *alluterlie* = entirely, wholly.

condition of the buildings and enclosing walls in 1597 was due to natural decay, not to violence. The timber and iron work of "the old innes" were taken down and sold as late as 1649;[1] and about thirty years later still the west gable of the refectory was defaced to improve the senzie-chamber, which had been converted into a library for St. Leonard's College.[2] The *hospitium novum* was in such excellent order in the latter part of the seventeenth century that it was used by Archbishop Sharp and his successors as their residence.[3] The foundations of the priory buildings, like those of the cathedral, were very poor.

Ten days after Knox preached on the cleansing of the temple, John Gresoun, provincial of the order and local prior, with consent of the convent, disposed of the yard of the Blackfriars to certain men for good services, and for a sum of money paid to the friars when expelled from their destroyed monastery.[4] It was not utterly destroyed, however, for when the town council sold the site to Dr. John Young in 1622, it was described as "that space of earthe or ground quhairon the monasterie of the Frieris Predicatouris

[1] *Royal Commission on the Universities of Scotland, Evidence*, 1837, iii. 211.—On the 16th of March 1649, Parliament gave full power to the magistrates and town council to make use of the stones of "the decayed buildingis, wallis and dykis" of the abbey, for fortifying the city (*Acts of Parliament*, vi. part ii. p. 342).

[2] Martine's *Reliquiæ*, pp. 188, 189.

[3] *Ibid.* p. 190.

[4] See *Appendix K.*

utherwayes callit the Black Frieris of the said citie of Sanctandrois wes biggit of auld . . . . with all that is biggit thairon as the samyn is presentlie circuit be ane staine dyck," the southern boundary being given as "the south wall of the said monasterie callit the Frater Wall," and incidental reference being made to "the west gevill of the kirk of the said monasterie," and to "the eist gevill of the said kirk."[1] Dr. Young built a school upon the site; and no doubt utilised as far as he could the stones of the ruined monastery. But a vaulted chapel of the church is still left; and less than a century ago the western part of the monastery with its arched doors and wide stairs was used as a dwelling-house.

The Grey Friars, foreseeing the coming storm, had orally but formally made over their monastery as a free gift to the city on the 18th of May 1559; but nevertheless it was wrecked in June, and so, when on the 21st of September the magistrates and town council were legally invested in it on behalf of the community, it was described as waste ground and destroyed buildings.[2]

In April 1561, "the Lady College Kirk upon the Hewch" was, by the Superintendent of Fife and the ministry of St. Andrews, "decernit suspendit and ane prophane hows, and sa to be

[1] *Disposition*, dated 15th July 1622, in St. Andrews city archives.

[2] "Ad fundum vastum et in edificiis dirutum continentem in latitudine sex particatas terre olim et novissime ante destruccionem hujusmodi inhabitatum et possessum per fratres," etc. (*Black Book of St. Andrews*, fol. 31).

haldyn in tym cuming."[1] Had it been utterly destroyed there would have been no need for such a declaration.

As for the other chapels of St. Andrews, that of St. John in St. Mary's College was utilised as a place of worship long after the Reformation; St. Leonard's Chapel served as a parish church until 1759; and St. Salvator's Chapel is still in use.

Before returning to Perth the Protestants "reformed" Lindores Abbey. Knox states that the altars were overthrown, the idols, idolatrous vestments, and mass-books burned, and the monks commanded to cast away their distinctive dress.[2] The queen-regent afterwards showed her displeasure with the abbot's conduct, "becaus he had submitit himself to the congregatioun, and had put sum reformation to his place."[3] No material damage seems to have been done to the buildings.

After Perth was delivered from the queen-regent's forces, some zealous men thought that order should be taken with Patrick Hepburn and

[1] *Register of St. Andrews Kirk-Session*, i. 76.—In October 1564, Sir John Stephyn was summoned to underlie discipline for, *inter alia*, daily ministering the sacraments and solemnising marriages in the Papistical fashion "in the chapell of Sanct Gormoo, ane prophane hous suspendit" (*ibid.* i. 227). One reason for setting aside a pretended sentence of divorce was that it had been "pronuncit into ane privat and prophane hows (sa called in Papistrie) wythin the reformit citie of Sanctandrois" (*ibid.* i. 134).

[2] Laing's *Knox*, vi. 26.

[3] *Ibid.* i. 392.—The ruin of Lindores Abbey appears to have been due to neglect and spoliation (Laing's *Lindores Abbey*, 1876, pp. 136, 137). So late as 1587 the commendator granted a tack of certain teinds for a great sum of money which was to be applied "towards the reparatioun of our abbey kirk of Lundores" (*ibid.* p. 133).

the abbey of Scone of which he was commendator, and where he then lay with his armed men. The lords of the congregation informed him that, unless he came to their assistance, they could neither spare nor save his place. He wrote in reply that he would come to them and do as they thought expedient, that he would assist them with his force and vote with them against the rest of the clergy in Parliament. Before his answer was received the Dundee men marched to Scone. The provost of Dundee and his brother were sent to stay them; but being unsuccessful, Knox was also sent. Ere he appeared on the scene they had begun to pull down the idols and the dormitory; and so the Earl of Argyll and Lord James Stewart were sent for. They were able to save from the fury of the multitude, for one night, "the bischopis palace, with the churche and place"; but they could not prevent the whole "reparatioun and ornamentis of the churche" from being destroyed by the townsmen of Dundee and Perth, who had found a great number of idols buried in the church, "hid of purpose to have preserved thame to a bettir day (as the Papistis speak)." Hepburn was enraged; and demanding his written bond from the lords, received it from them by his messenger. His servants began to refortify the place, and to lay violent hands on those who were carrying off what they could. Through Knox's labours the granary was saved for that night. But next day it was alleged that one of Hepburn's sons had stabbed a Dundee

man for looking in at the granary door. The multitude, easily inflamed, gave the alarm, and both the "abbey and palace" were sacked, and committed "to the merciment of fyre," to the displeasure of many of the congregation.[1]

This was in the last week of June, and the action of the lords of the congregation in asking Hepburn to join them, throws light on a passage in an anonymous letter which is believed to have been written by William Kirkcaldy of Grange to Sir Henry Percy—

"The manour of thair proceidyngis in reformatioun is this. They pull doune all maner of freryes and some abayes *which willyngly resavis not ther reformatioun.* As to paroys churchis, they cleyns them of ymages and all other monumentis of ydolatrye, and commandis that no messis be said in them; in place therof, the booke sett fourthe be godlye Kyng Edward is red in the same churches."[2]

[1] Laing's *Knox*, i. 359–362.—Bishop Lesley says that the communities of Dundee and Perth passed to the Abbey of Scone, "and becaus sum restrainct was maid unto thame at thair first enteres, thay thairfoir brint the maiste parte of the kirke and hoill abbay, spulyeit and distroyed the hoill policie thairof" (Lesley's *History*, p. 274). The prior repaired and rebuilt the chambers which he occupied, and was again living in them in 1570 (*Liber Ecclesie de Scon*, Bannatyne Club, p. 210).

[2] Laing's *Knox*, vi. 34. *Frerycs* = friaries, *paroys* = parish.—On the 9th of July Cecil wrote thus of the doings of the Scottish Reformers: "They offer no violence, but dissolve relligiose howsees; directyng the lands therof to the crowne, and to ministery in the chirch. The parish chirchees they delyver of altars and imagees, and have receved the service of the Chirch of England accordyng to King Edward's booke" (Forbes' *Public Transactions*, 1740, i. 155). From Grange's letter and Cecil's, it appears that Edward's Liturgy, which Knox disliked so much, was used for a short time in Scotland. (See also *supra*, p. 281.) Regarding "the ordre of the commen prayers" used in Glasgow in January 1559–60,

This letter was written on the 1st of July. Early on the previous morning the congregation had reached Edinburgh. Argyll and the Lord James had left Perth in advance; but before they reached Stirling the rascal multitude had, says Knox, "utterlie distroyed" the friaries in that town.[1] Buchanan attributes the destruction to Argyll and the Lord James, and adds that they cleansed the other churches about the city (*circa urbem sacraria*) from the detestable worship of idols; and, on their way to Edinburgh, rid Linlithgow from superstitious worship.[2] Spottiswoode says that the lords pulled all the Stirling monasteries to the ground. "The altars and images in all the churches within and about the town were broken and defaced, and the abbey of Cambuskenneth ruined and cast down." And he speaks of their "doing the like at Linlithgow" on their way to Edinburgh.[3] Lesley relates that at Stirling they "pulled down the Black and Grey Freris kirkes, and hoill places"; and, at Linlithgow, "caused pull doun the frearis lykwise"; but he says nothing about Cambuskenneth Abbey having been injured or dealt with.[4] Some modern writers have confounded the Greyfriars Church in Stirling with the parish church, but they were quite distinct,

Randolph writes that they "are the verie same or dyffer verie lyttle, from those of England" (Bain's *Calendar*, i. 289). It seems that the English Homilies were read in at least one parish church (*Spalding Miscellany*, iv. 120).

[1] Laing's *Knox*, i. 362.
[2] Ruddiman's *Buchanan*, i. 316.
[3] Spottiswoode's *History*, i. 280.
[4] Lesley's *History*, p. 274.

occupying different sites, and at "the period of the Reformation . . . no structural damage was done to the parish church."[1] According to one anonymous contemporary account, "when they had purged the kirks in Sterling, and ordered the friers as they had done with them in St. Johnstone and St. Andrewes, destroying the altars and idolls," they "caused the Evangell to be publicquely preached in the parish kirk, then they came to Edenburgh the penult day of June."[2]

This contemporary account says that the Edinburgh friars began to dispose of the best of their goods among their acquaintances, and "the rascall people," perceiving this, entered by the open gates and sacked their monasteries, so that before the congregation arrived no altars, idols, or anything else in them pertaining to idolatry, were left standing. Knox's testimony is to the same effect—the poor had made havoc of everything that was movable in those places "befoir our cuming, and had left nothing bot bair wallis, yea nocht sa muche as door or windok; wharthrow we war the less trubilled in putting ordour to suche places."[3] According to Spottiswoode, before the lords arrived all the monasteries within the town had been "demolished."[4]

On the other hand, the *Diurnal of Occurrents* alleges that the Edinburgh friaries were "put to

[1] *The Stirling Antiquary*, iii. 40, 41.
[2] *Wodrow Miscellany*, p. 61. *St. Johnstone* = Perth.
[3] Laing's *Knox*, i. 363.
[4] Spottiswoode's *History*, i. 280.

sack be the Erllis of Ergyle and Glencarne, the Pryour of Sanctandrois and Lord Ruthven, quha was callit the congregatioun; and the quene regent, not content of thir proceidingis, depairtit to Dunbar."[1] On this point the *Diurnal* stultifies itself by assigning the sack to the 28th of June, when, it is perfectly certain, the congregation had not reached Edinburgh.[2] In another passage it gives the 14th of June as the date, ascribing the action to the same four lords, "callit the congregatioun," and supplies the additional information that the two friaries "wer demolissed and castin doun aluterlie, and all the chepellis and collegis about the said burgh with thair yairdis wer in lykwyise distroyit; and the images and altaris of Sanctgeilis kirk distroyit and brint."[3] Lesley states that the queen-regent required the magistrates to prevent the Earl of Argyll and the congregation from entering Edinburgh, and offered French soldiers to assist—

"Bot the baillies gave ansuere that the multitude of the commone people was so effec-

[1] *Diurnal of Occurrents*, p. 53.

[2] The 29th of June is given by Knox, and also in the anonymous account in the *Wodrow Miscellany*, as the date on which the congregation arrived in Edinburgh. On that day the bailies and town council of Edinburgh sent a deputation to Linlithgow to meet the congregation (*Extracts from the Records of Edinburgh*, 1557–1571, p. 44). The queen-regent was still in Edinburgh on the 29th of June (*Foreign Calendar, Elizabeth*, i. 343); and according to Lesley she had left it before the congregation entered. Kirkcaldy of Grange, writing on the 1st of July, says that the congregation came to Edinburgh at three o'clock in the morning of the 30th of June (Laing's *Knox*, vi. 33).

[3] *Diurnal of Occurrents*, p. 269.

tionat to the new alteratione, specialie for hoip of the spulye of the freris places and kirkis, thay culd not be governit nor rewled; and thairfoir they wald not take upoun hande to debar those lordis furth of the toune; quhilk moved the quene-regent with the hoill cumpanie of the lordis and Frenchemen to depairt presentlie furth of the abbaye towart Dumbar; bot or thay war past four myle frome Edinburgh, the Erle of Argyle and all his cumpanie entered in the toune of Edinburgh without anye resistance, quhair they war weill receaved; and suddantlie the Black and Gray Freris places war spulyeit and cassin doune, the haill growing treis plucked up be the ruittis; the Trinitie College and all the prebendaris houssis thairof lykwyse cassin doun; the altaris and images within Sanct Gelis Kirke and the Kirke of Feild destroyed and brint."[1]

A mighty change had come over public opinion in Edinburgh since the 4th of September 1543, when the townsmen rose in haste and saved the monastery of the Black Friars from the armed men who had invaded and intended to sack it. In 1559 the provost, Lord Seton, "a man without God, without honestie, and oftentymes without reasone," says Knox, was so anxious to protect the friaries that he lay in one of them himself every night, and constrained "the most honest of the town" to watch them.[2] It was apparently one of these honest men who, when on duty, threw stones at the windows.[3]

[1] Lesley's *History*, p. 275. [2] Laing's *Knox*, i. 362, 363.
[3] *Extracts from the Records of Edinburgh*, 1557–1571, p. 40.

When the bailies and town council of Edinburgh sent a deputation to Linlithgow on the 29th of June, it was in order to treat and commune with the congregation, "for uphald of the ruiffis of the religious placeis and kyrkis within this burgh, and for sawying of the stallis, bakis of aulteris, and otheris tymmer werk within the saidis kyrkis." At the same time it was resolved to hire sixty men of war to keep St. Giles Kirk and "uphald" the stalls of the choir. After the congregation had been twelve days in Edinburgh, the bailies and town council found it necessary to put the choir stalls in the nether tolbooth.[1]

While Lesley states that the altars and images in St. Giles and in the Kirk of Field were destroyed, it is learned from Knox that the altars of the abbey church at Holyrood shared the same fate, but the building was not destroyed, for, when soon afterwards the queen-regent returned, she caused mass to be said first in her own chapel and then in the abbey.[2] The Protestants were at that time using St. Giles as their place of worship. The hospital of the Kirk of Field had been so utterly destroyed in Hertford's invasions that its site was sold in 1554 to the Duke of Chatelherault.[3] The kirk itself, with its buildings, mansions, and yards, was sold

[1] *Extracts from the Records of Edinburgh*, 1557-1571, pp. 44, 45.—The phrase, *uphald of the ruiffis of the religious placeis*, seems to imply that the friaries had not then been demolished; but their churches were thrown down before the 12th of June 1560 (*ibid.* p. 66).

[2] Laing's *Knox*, i. 391.

[3] Wilson's *Memorials of Edinburgh*, 1891, ii. 247.

in 1563 to the town council.[1] In the sketch of 1567 the church appears as a roofless ruin.[2] Whatever damage may have been done to the Trinity College and the houses of its prebendaries in 1559, the church, which had never been completed, was allowed to stand until 1848, when it was taken down by the North British Railway Company after having served as a Protestant parish church for two and a half centuries.[3]

Sir James Croft, writing (probably from Berwick) on the 3rd of July 1559, says that the Scottish Protestants are in great number in Edinburgh, whence they intend to go to Kelso, and so to all the abbeys westward.[4] And on the 19th, Argyll, Glencairn, the Lord James, Ruthven, Boyd, and Ochiltree informed Cecil that one of their objects was "to remove super-

[1] *Extracts from the Records of Edinburgh*, 1557–1571, p. 163.

[2] *Registrum Domus de Soltre*, p. xxxviii.

[3] The beautifully executed stone work, mouldings, and carvings have been enthusiastically described by Sir Daniel Wilson; but he confessed that not a few of the details were "incongruous and grotesque"; some of the sculptures "inappropriate and even unseemly." Internally the church was "a historical memorial not only of the art and architectural skill, but also of the morals" of the age in which it was erected. "Still greater license marked some of the ornamentation of the exterior"; and one of the gargoils was a "specially noteworthy illustration of the sensual grossness indulged in by the ecclesiastical sculptors of the fifteenth century" (*Proceedings of the Society of Antiquaries of Scotland*, xviii. 153–160). Shortly after the Reformation such portions of the collegiate buildings as were available were fitted up as an hospital (*ibid.* p. 165). The altar-piece, with its portraits of James III. and his queen, is now in Holyrood (*ibid.* ii. 8–22; x. 310–324*).

[4] *Foreign Calendar, Elizabeth*, i. 355, 356; Bain's *Calendar of Scottish Papers*, i. 221.—The echo of this letter is in Cecil's of 9th July to Throckmorton (Forbes' *Public Transactions*, i. 155).

stition and all sortes of externall idolatrie."[1] A very exaggerated report of what was actually done must have reached Bishop Jewel, who, writing from London on the 1st of August, says—

"Knox surrounded by a thousand followers is holding assemblies throughout the whole kingdom. The old queen (dowager) has been compelled to shut herself up in garrison. The nobility with united hearts and hands are restoring religion throughout the country, in spite of all opposition. All the monasteries are every where levelled with the ground; the theatrical dresses, the sacrilegious chalices, the idols, the altars, are consigned to the flames; not a vestige of the ancient superstition and idolatry is left. What do you ask for? You have often heard of drinking like a Scythian; but this is churching it like a Scythian."[2]

According to one of the *Articles of Leith* (24th July 1559), it was stipulated that the congregation was to refrain from injuring or casting down "kirkis, religious placis [*i.e.* monasteries], or reparrelling thairof," until the 10th of the following January.[3] Such a stipulation would have been superfluous had Jewel's statement been correct.

[1] Bain's *Calendar of Scottish Papers*, i. 226.

[2] Jewel's *Works*, Parker Society, iv. 1215.

[3] Laing's *Knox*, i. 378.—It was alleged that the *Articles* had been tampered with and altered (*ibid.* i. 377, 381), but whether this one was in the original draft or not, its terms prove that at that date all the monasteries had neither been reformed nor cast down. For *reparrelling* Calderwood (i. 486) gives *apparrell.*

On the 29th of September 1559, Alexander Whitlaw informed Sadler and Croft that the congregation "had suppressed the abbeyes of Passlow, Kylwynyng, and Donfermelyng, and burned all the ymages, ydolls, and Popish stuff in the same."[1] They had previously heard that the Earl of Glencairn and Erskine of Dun had been commissioned to suppress Paisley.[2] It may be inferred, therefore, that whatever was done at that time to these monasteries was done deliberately, and it does not appear that in these operations the fabric of any of them was injured.[3]

The inhabitants of Aberdeen were informed, on the 29th of December 1559, by Thomas Menzies, their provost, that certain Mearns men and Angus men, "convenit in congregatioune," intended to be in the town that day, "to distroy and cast doune the kirkis and religious places thairof, under colour and pretence of godlie reformatioune," which he said was contrary to "the will and mynd of the authorite," and therefore manifest treason; and he formally protested that the blame would lie on the townsmen, if they did not help him and his adherents to resist the same. Nine men adhered to his protest.[4] On the 4th of

[1] Sadler's *State Papers*, 1809, three vol. edition, ii. 6.

[2] *Ibid.* ii.

[3] Pitscottie alleges that, on the 26th of the following March, Dunfermline Abbey was cast down (*infra*, p. 421 *n.*); and Knox states that, in the summer of 1561, Paisley was burned, and Kilwinning cast down (*infra*, p. 411).

[4] *Extracts from the Council Register of Aberdeen*, 1398–1570, pp. 325, 326.

January, it was explained to the town's people that certain strangers and neighbours and indwellers had entered the monasteries of the Black Friars and the White Friars and spoiled them, taking away the gear and goods and timber and furniture, together with the lead of the kirks, and had now begun to take away, for their own use, the slates, timber, and stones of the roofs. It was resolved that the treasurer of the town should intromit with the said slates, timber, and stones, in name and behalf of the town; and that he should also intromit with the friars' crofts, applying the profits to the town's uses, such as the forth-setting of God's glory, the maintaining of His Word, and the defence of the liberty of the realm.[1] On the 23rd of January, the town council unanimously agreed to uphold and maintain the monastery of the Grey Friars, "and to suffer no hurt, violence, nor distructioun to be don thairto," because the said friars had resigned their rights in favour of the town.[2] In the instrument of resignation,

[1] *Extracts from the Council Register of Aberdeen*, 1398–1570, p. 315.—In this volume of the Spalding Club, some of the entries are misplaced; the transcriber being probably misled by the year beginning on the 25th of March. According to Joseph Robertson, "the monks were expelled from their cells, and parts of the monasteries were destroyed, but so little injury was offered to the churches, that many of their superstitious ornaments were in existence at the middle of the seventeenth century" (*History of the Reformation in Aberdeen*, 1887, pp. 41, 42). He estimates that, although the population of Aberdeen did not then exceed four thousand, the clergy must have numbered between one hundred and ten and one hundred and fifty (*ibid.* pp. 7, 8).

[2] *Extracts from Council Register of Aberdeen*, p. 321.

which was executed on the 29th of December 1559, it is stipulated that: "If it shall happen that our sovereign lady, the queen, shall restore to the rest of the religious brotherhoods their places, churches, or buildings, then similar restitution shall be made to the Friars Minor, without prejudice to them or incurring the wrath of the queen."[1]

Spottiswoode alleges that the cathedral of Aberdeen was saved at this time by the Earl of Huntly.[2] The nave is still almost entire. The choir is quite gone; but it is doubtful if the new choir begun by Bishop Elphinstone was ever completed.[3] In February 1567-68, the privy council empowered and charged two Edinburgh burgesses to go to the cathedrals of Aberdeen and Elgin, to take down the lead which was upon them, and to dispose of it. Two reasons are given for this—(1) money was required for maintaining soldiers to reduce the rebellious subjects to obedience, and for other necessary expenses of the commonweal; and (2) much of the lead had already been theftuously carried off, no commodity of the same coming to

[1] Moir Bryce's *Scottish Grey Friars*, 1909, i. 323.

[2] Spottiswoode's *History*, i. 315.—Father Hay's account of the destruction in 1560 (*Registrum Episcopatus Aberdonensis*, i. p. lxvi.) is manifestly confused and exaggerated.

[3] Robertson's *Scottish Abbeys and Cathedrals*, 1891, pp. 75, 76; Macgibbon and Ross' *Ecclesiastical Architecture*, iii. 82.—The English soldiers in constructing their fortification on the Castle-hill, in the sixth decade of the seventeenth century, "scrupled not to throw down the walls of the chancel of the cathedral of St. Machar, in order to procure materials for their work" (Joseph Robertson's *Book of Bon-Accord*, p. 221).

the commonweal.[1] Writing of Aberdeen cathedral, James Gordon, parson of Rothiemay, says that "the great tower was the first to suffer by being stripped of its leaden roof, and succumbed not many years afterwards to the violence of a terrible storm." He adds, "the choir of the church was completely wrecked," apparently meaning that it was wrecked by the fall of the great tower.[2] He speaks as if "the noble palace" of the bishops had stood undamaged, until, in 1639, it was by the Covenanters' soldiery torn down, destroyed or plundered, except the walls; and the English, he says, in 1655, pulled down even the walls, and forced the people to convey the stones to the Castlehill.[3]

In July 1569, that is barely seventeen months after giving orders to remove the lead from the cathedrals of Aberdeen and Elgin, the privy council gave orders of a very different kind con-

[1] *Register of the Privy Council*, i. 609.—The bishops of Aberdeen and Moray, as well as the civil officials, were commanded to fortify, maintain, defend and assist the two Edinburgh burgesses, and their servants, in carrying out the orders of the privy council.

[2] Spalding, in describing how in 1640 the act of the General Assembly of that year for demolishing idolatrous monuments was carried out in Aberdeen, speaks as if the great steeple of the cathedral were still standing (*Memorialls of the Trubles in Scotland*, Spald. Club, i. 313). A nineteenth century historian, after alleging that the choir and chancel were demolished in 1560, rather inconsistently says that the lofty steeple fell in 1688, "and by its fall crushed all the eastern part of the fabric, destroyed many of the sepulchral monuments, and materially injured part of the nave" (Kennedy's *Annals of Aberdeen*, ii. 342, 343). In Gordon's plan, drawn in 1661 (*Abredoniæ Utriusque Descriptio*, Spalding Club), and also in Slezer's prospect of Old Aberdeen (*Theatrum Scotiæ*, plate 20), the central tower of the cathedral is apparently complete.

[3] Macfarlane's *Geographical Collections*, ii. 505, 506.

cerning the latter. This was because the Regent Murray, Bishop Hepburn, the chantor, treasurer, and diverse other canons of "the cathedrall kirk of Murray," wishing to repair it, had agreed to pay a reasonable contribution "for mending, theking[1] and reparaling" the same, so that it might be "a convenient place to convene the people for hering of the Word of God." The privy council, therefore, ordained letters to be issued charging all the other beneficed men in the diocese to inform Mr. Hew Cragy (who had been appointed master of the said work) how much they would individually give; and, if they failed to do so, the bishop and so many of the canons as happened to be with him were empowered to levy a reasonable contribution from the defaulters.[2] It is hard to say whether these repairs were ever carried out or not. The historian of the province of Moray—who does not seem to have known of the privy

[1] *Theking* = thatching; but not necessarily thatching with straw or heather. Wyntoun speaks of the south aisle of St. Andrews Cathedral being "thekyd" with lead (Laing's *Wyntoun*, iii. 27).—In 1509 the Bishop of Orkney was specially permitted to win and fine lead ore in the Orkney and Shetland Islands, "for the reparatioun and thekyn of his cathedrale kirk" (*Registrum Secreti Sigilli;* 1488–1529, No. 1856). According to the indenture of 1387, the five vaulted chapels, then to be added to the church of St. Giles, were to "be thekyt abouyn with stane" (*Registrum Cartarum Ecclesie Sancti Egidii de Edinburgh*, p. ix.).

[2] *Register of the Privy Council*, i. 677.—On this occasion the privy council met at Aberdeen. In the minute, Patrick Hepburn is described as "ane reverend fader in God, Patrik, Bischop of Murray." In July next year, the general assembly empowered "Mr. Robert Pont, commissioner of Murray, with the assistance of the kirke of Elgine, to proceed, after due admonitiones, to excommunicatione against Patrick Bishop of Murray" (*Booke of the Universall Kirk*, i. 178).

council proceedings of July 1569, but who did know of those of February 1567–68—says that the cathedral was neither burned nor demolished by the mob at the Reformation; but, "being uncovered, was suffered to decay as a piece of Romish vanity too expensive to be kept in repair." He mentions that "some painted rooms in the towers and choir remained so entire, about the year 1640, that Roman Catholics repaired to them to say their prayers." He also states that "the great tower in the middle of the church being uncovered, the woodwork gradually decayed, and the foundation failing, the tower fell, anno 1711, on a Peace Sunday in the morning."[1] Some idea of the damage caused by the fall of the central tower may be gathered by comparing the 1668 view of the cathedral with that of 1825. It was left to Dr. Cramond to discover that the cathedral, or "Chanrie kirk" as it was called, was used for preaching in 1644.[2]

In the case of some cathedrals care seems to have been taken to preserve the buildings. The written order for reforming the cathedral of Dunkeld—dated 12th August 1560, and signed by Argyll, the Lord James, and Ruthven—enjoins those to

[1] Shaw's *History of the Province of Moray*, 1827, pp. 317, 318.—The old parish church of Elgin, which "stood on two rows of massy pillars and was all vaulted and covered with thick and heavy hewed stone instead of slate," fell — with the exception of "the four pillars and vault that support the steeple"—on Sabbath the 22nd of June 1679, the day on which the Covenanters were defeated at Bothwell Bridge (*ibid.* p. 87). *Peace* = Pasch or Easter.

[2] *Records of the Kirk-Session of Elgin*, 1897, p. 247.

whom the work was committed, to take down the images, carry them to the burying-ground, and there burn them openly; and similarly to cast down the altars and purge the kirk of all monuments of idolatry; but to take good heed that neither the desks, windows, nor doors be in any way hurt or broken.[1] On the 6th of March 1573–74, James Paton, the tulchan Bishop of Dunkeld, having confessed that he had not executed the sentence of excommunication against the Earl of Atholl and his wife, was ordered by the general assembly "to pass to the cathedrall kirk of Dunkeld, and there upon a Lord's day in time of preaching confess his fault publickly," etc.[2] This shows that the cathedral was still in use as a church. In 1641, Charles I. mortified to "the cathederall kirke of Dunkell" a thousand merks Scots yearly, "for interteaneing the ministeres therat," and a £100 Scots "for upholding the fabrike of the said kirk," to be uplifted "furth of the late beshopes rentes of Dunkell."[3] The choir appears to have been reroofed about 1600, and again in 1762. The Wolf of Badenoch's "monument remained entire till the Revolution." A writer in 1798 says that the choir, as converted into a parish church with two galleries, "forms a decent and not incommodious place of

[1] Cardonell's *Picturesque Antiquities of Scotland*, 1788, i. 30; Old *Statistical Account*, xx. 422.

[2] *Booke of the Universall Kirk*, i. 287.

[3] *Acts of Parliament*, v. 516.

worship"; but that the nave and aisles "stand roofless and in desolation."[1]

Similar orders to those concerning the reforming of Dunkeld Cathedral were apparently issued concerning the cathedrals of Dunblane and Glasgow.[2] The Bishop of Dunblane alleged that on the 9th of November 1559 the Earl of Arran, with a great number of horse and foot, broke open the doors of his place, searched the coffers, carried off what they wished, and took him (the bishop) prisoner; but he did not allege that they ruined or injured the buildings.[3] In February 1587–88 the general assembly "ordained that an article should be given in to the king, bearing regrate for the decay of certane kirks which are ruinous, and, without hastie repare, are not able to be remedied, namely Glasgow, Dumfermling, Dumblain"; and that his majesty should be desired to interpose for their repair. They wished the king to cause the Bishop of Dunblane to repair that cathedral.[4] This bishop, Andrew Graham, a son of the laird of Morphie, had been presented by the Regent Morton.[5] He agreed, in 1576, that, as a preacher, "the kirk of Dumblane" was "to be his particular kirk";[6] but in 1580 he acknowledged that he did not teach there "so diligently as his duty and office required";[7]

[1] Old *Statistical Account*, xx. 418–421.—The choir, after being "restored," was reopened on 16th October 1908.

[2] Henderson's *Annals of Dunfermline*, p. 201.

[3] *Proceedings of Society of Antiquaries of Scotland*, xi. 522.

[4] *Booke of the Universall Kirk*, ii. 706.

[5] *Ibid.* i. 316. [6] *Ibid.* i. 359. [7] *Ibid.* ii. 451.

and, in 1594, he was deposed, because he had been non-resident, and had neither preached the Word nor ministered the sacraments there for seven years.[1] It is obvious, therefore, that twenty years after the Reformation the cathedral was being used at least occasionally; and that eight years later still, the supreme court of the church was anxious that it should be repaired. There is no appearance of its ever having had transepts, but the choir continued to be used as the parish church, and the walls of the nave remained practically complete. Much of the carved woodwork survived the Reformation for more than two centuries, and a number of the stalls are still preserved. The nave was restored a few years ago.

In the contemporary anonymous account already quoted from, it is said that on the third day after their arrival at Edinburgh the congregation was joined by Glencairn and the gentlemen of the west, who "had purged the churches in Glasgow of idolatrie."[2] If this is correct, the purging of the Glasgow churches must have taken place at the very end of June, or beginning of July, 1559; and must have been perfunctorily performed if Bishop Lesley may be trusted, for he says that, after the Treaty of Berwick (27th February 1559–60), the Duke of Chatelherault, the Earl of Argyll, the Earl of Arran, and others came to Glasgow, "and caused tak done the images and altaris, and intromitted with the bischoppis castell and rentis, and pat in

[1] Scott's *Fasti*, ii. 715.

[2] *Wodrow Miscellany*, p. 62.

certane gentillmen to keip the samyn."[1] In neither account is it said that the buildings were injured. Spottiswoode has given a very circumstantial account of a proposal to demolish the cathedral, and to build several little churches with the materials. Andrew Melville and several other ministers, he says, so prevailed on the magistrates that workmen were actually engaged for the purpose, when the craftsmen rose in arms against the scheme. The leaders of the tumult, he goes on to say, were cited to appear before the privy council, but the king, not then thirteen years of age, took their part.[2] The minuteness of the narrative inclined Dr. Cook to accept it.[3] Dr. M'Crie, however, pointed out that the records of the town council of Glasgow, and also of the privy council, are absolutely silent regarding the alleged proposal and tumult; while there is abundance of evidence to show that magistrates and ministers were anxious to uphold and repair the cathedral.

[1] Lesley adds that the French marched to Glasgow, "recovered the castell againe, and tareit ane nycht in the cittie, and returned on the morne to Kirkintulloch, and sue fre that to Leithqw and Edinburgh" (Lesley's *History*, p. 281). This happened between the 15th and 21st of March 1559–60 (Bain's *Calendar of Scottish Papers*, i. 334, 336). A number of the French were killed by the accidental explosion of a barrel of gunpowder in one of the towers of the bishop's palace. The Protestants had taken possession of the "stepill," as well as the palace (*ibid.* i. 336). In 1568 the Regent Murray committed the castle to the keeping of Sir John Stewart of Minto; but in 1573 he was ordered to deliver it up to James Boyd, the tulchan Archbishop of Glasgow (*Register of Privy Council*, i. 301, 302). "The castell and stepill of Glasgow" were regarded as "ane of the principall keyis of the cuntre" (*ibid.* i. 348).

[2] Spottiswoode's *History*, ii. 258, 259.

[3] Cook's *History of the Church of Scotland*, i. 297.

He suggested that an order to take down "the laigh steeple," in March 1588–89, might perhaps have furnished the germ of Spottiswoode's story.[1] M'Crie's opinion is fully endorsed by Mr. Renwick, who knows the records of Glasgow as no other man does.[2] Spottiswoode assigned the threatened demolition to the spring of 1579. That date coincides fairly well with the destruction in January 1578–79 of "the castell and fortalice of Lockwod," which pertained as a manse to the archbishop of Glasgow.[3] In 1574 the magistrates, town council, deacons of crafts, and other honest men of the city voluntarily resolved to impose a tax of £200 for the repair of the cathedral because of the great decay into which it was falling through "taking awaye of the leid, sclait and uther grayth thairof, in this trublus tyme bygane."[4] The great care, pains, and charges incurred by the community for this object were acknowledged by Charles I.[5] This cathedral remains "the noblest unmutilated specimen of ecclesiastical architecture in Scotland." In the words of Hill Burton. "the cathe-

[1] M'Crie's *Melville*, 1819, i. 89, 90, 439, 440.

[2] Renwick's *Glasgow Memorials*, 1908, pp. 305–307.

[3] *Register of Privy Council*, iii. 98, 99.

[4] *Extracts from the Records of the Burgh of Glasgow*, Scottish Burgh Records Society, 1573–1642, p. 20.—This resolution is also printed in *Burgh Records of Glasgow*, Maitland Club, pp. 20, 21; and by M'Crie. When the cathedral was again becoming ruinous in February 1587–88, the general assembly suggested that "the lead fallen or like to fall may be imployed to the sclating and repairing thereof" (*Book of the Universall Kirk*, ii. 706). Many references to the repairs after 1586 are in Wodrow's *Biographical Collections*, Maitland Club ii., pt. ii. pp. 9–11.

[5] *Acts of Parliament*, v. 87.

dral of St. Mungo owed its preservation to the wealth and liberality of the community of Glasgow. The other churches which rivalled or excelled it—Elgin, St. Andrews, the abbey church of Arbroath, and others—fell to pieces through poverty."[1]

In taking order with Alexander Gordon, Bishop of Galloway, the general assembly, in 1573, commanded "Mr. Rodger Gordon, minister of Quhitterne, to admonish the said Alexander, Bishop of Galloway, in the cathedral kirk of Quhitterne, upon a Sunday in the time of publick preaching."[2] This clearly proves that at that time Whithorn Cathedral was still being used for public worship. Writing in 1684, Andrew Symson says of it: "The steeple and body of the church is yet standing, together with some of the walls of the precincts. The isles, cross church, and severall other houses belonging thereto are fallen, but severall large and capacious vaults are firme and entire."[3] By the body of the church he, of course, means the nave, and by the cross-church the transepts; and he speaks of the chapter of Galloway as still meeting "in the cathedrall church of Whithern."[4]

[1] Hill Burton's *History of Scotland*, 1876, vi. 222.

[2] *Booke of the Universall Kirk*, i. 282.

[3] Macfarlane's *Geographical Collections*, ii. 82.

[4] *Ibid.* ii. 124.—T. S. Muir describes it as "a much-wasted oblong without aisles, measuring internally no more than 74 feet in length. The extreme west end is Romanesque, and retains a fine doorway on the south, of enriched character; and there are traces of a south-west tower, which is said to have fallen down only a few years ago" (*Notes on Remains of Ecclesiastical Architecture and Sculptured Memorials in the*

Regarding Brechin Cathedral, the Rev. John Bisset, minister of the first charge of Brechin, writes thus in 1799—

"The east part of the church, called the choir or chancel, was destroyed at the Reformation, and without all doubt by the Reformers themselves. . . . Here the altar stood and here mass was said. Our Reformers, moved with a laudable zeal against the idolatries of the Church of Rome, demolished that part of the cathedral where the grossest acts of idolatrous worship had been performed, and spared the remainder, which is to this day the parish church." [1]

The historian of Brechin, however, who was much better informed, did not believe that the cathedral had ever been completed; and spoke of the church as used by the Presbyterian congregation as "a handsome Gothic building" until 1806 when it was altered.[2] In January 1900

Southern Division of Scotland, 1855, p. 61; *Characteristics of Old Church Architecture*, 1861, p. 58). "All ancient buildings of any pretension which remain as ruins in Galloway west of the Dee have suffered grievously from the avidity with which they have been ransacked for free stone. The native stone is hard intractable Silurian, with occasional intrusive masses of granite. This served for the walls of Whithorn and other ecclesiastical structures, but the coigns, pillars, and carved work were wrought in imported freestone, and have afforded convenient quarries to all who chose to take them, whether masons erecting a farm-steading, or housewives wanting a bit of 'free' to scrub a doorstep" (Sir Herbert Maxwell's *Dumfries and Galloway*, pp. 48, 49).

[1] Old *Statistical Account*, xxi. 111, 112.

[2] Black's *History of Brechin*, 1867, pp. 230, 231.—"Some part of the building is also said to have been destroyed at the Reformation, and this is by no means improbable. Others believe that the structure was never finished, but both of these views are purely conjectural" (Jervise's

the work of restoration was begun, and in April 1902 the church was reopened for Presbyterian services.

Dornoch Cathedral was burned in 1570, not by the Reformers, but by John, Master of Caithness, who had been sent by his unscrupulous father, the Earl of Caithness, to invade the Murrays. In this expedition John was accompanied and assisted by Y-Macky of Far and other lawless supporters. They besieged the town and castle of Dornoch, which were held by the Murrays. During the night the invaders managed to burn the town and also the cathedral, "except the steiple." Despite all that the Caithness men could do, the Murrays continued to hold the castle and the cathedral steeple for a week, but were then persuaded by neutral men to surrender. When the Master of Caithness was afterwards starved to death by his own father, men saw in his fate God's just judgment upon him for burning the cathedral. Nor was he the only one who was supposed to suffer for the sacrilege. William Sutherland of Ewelick, the "instrument in burning and demolishing that church," opened St. Gilbert's grave, burst the coffin open with his foot, and threw "the ashes of that holy man" to the winds. "Which enormities the Almightie God did most justlie punish; for that same foot that burst St. Gilbert his coffin did afterward rot away and consume, to the great

Memorials of Angus and the Mearns, rewritten and corrected by Gammack, 1885, i. 178).

terror of all the beholders, wherby this William Southerland grew so lothsum that no man wes able to come neir unto him, and so he died miserablie."[1] Five and thirty years after the fire, the wind is said to have played havoc in a most incredible way with the pillars on the north side of the nave. This happened appropriately enough on the 5th of November 1605, Guy Fawkes' night and Guy Fawkes' year. The catastrophe is thus described by a contemporary—

"The same verie night that this execrable plott should have been put in execution, all the inner stone pillers of the north syd of the body of the cathedrall church at Dornogh (laiking the rooff befor) were blowen from the verie roots and foundation, quyt and clein over the outer walls of the church; which walles did remane nevertheless standing, to the great astonishment of all such as hath sein the same. These great winds did evin then prognosticat and foreshew some great treasone to be at hand; and as the divell wes busie then to trouble the ayre, so wes he bussie by these his fyrebrands [the Jesuits and their associates], to truble the estate of Great Britane."[2]

[1] Gordon's *Genealogical History of the Earldom of Sutherland*, pp. 156–158.—In 1574 the general assembly commissioned Mr. John Robertson and Robert Grahame "to pass to the countries of Caithness and Sutherland, and there to . . . . establish and sett up the true worship of the eternal God, as well in cathedrall and colledge kirks, as in other places within the saids bounds." They were also to "eradicat and destroy all monuments of idolatry" (*Booke of the Universall Kirk*, i. 311, 312).

[2] Gordon's *Genealogical History*, p. 255.

In 1614, John Grey, the Dean of Caithness, persuaded the Earl of Sutherland and the gentlemen of that county to repair the cathedral; and, after the Earl's death in the following year, the work was continued by his brother, Sir Robert Gordon, who "caused thatch and cover the church of Dornogh with sleat, which wes found at that tyme in a quarrie hard by the toun of Dornogh, as it were by the speciall providence of Almightie God, for the advancement of that holie work."[1] In 1686, Parliament ratified an "Act of Privy Council for repairing the cathedrall kirk of Dornock."[2]

On the 17th of June 1572, during the regency of the Earl of Mar, Lord Ruthven got a gift of "the haill leid quhairwith the cathedrall kirk of Ros wes theikit, alsweill principall kirk as queir and ilis therof." This kirk, it is declared, had belonged to John Lesley, sometime Bishop of Ross, and to the canons; but had fallen into the king's hands by the laws of the realm, and the custom observed in like cases, through its being "na parroch kirk, bot ane monasterie to sustene ydill belleis," and also through "the said sumtyme bischop" having been "foirfaltit" for treason and lese-majesty. Ruthven, his heirs, and assignees, were empowered to take the whole of the lead, some of which had already been

[1] Gordon's *Genealogical History of the Earldom of Sutherland*, pp. 309, 310, 347.

[2] *Acts of Parliament*, viii. 648.

stripped off, and to dispose of it at their own pleasure.[1] If the building was not vaulted, the roof would speedily decay after the lead was removed unless thatch of some kind was substituted. Though not a parish church the cathedral had been regularly used for preaching. On the 23rd of January 1571–72, Mr. George Monro had been presented to the chancellory of Ross, and had been duly admitted as qualified;[2] but in 1573 he had to invoke the aid of the privy council against Rory Mackenzie, brother of Colin Mackenzie of Kintail, for having "continewall residence in the steopill of the channonry of Ross, quhilk he causit big not only to oppress the cuntrie with maisterfull reif, soirning and daylie oppressioun, bot alsua for suppressing of the Word of God, quhilk wes ay precheit in the said kirk preceding his intery thairto — quhilk now is becum ane filthie sty and den of thevis."[3] The cathedral of Ross was in the town of Fortrose, and the town of Fortrose was known as the canonry of Ross.[4] When, in 1578, Alexander Hepburn, the tulchan Bishop of Ross, was ill, Colin Mackenzie besieged his dwelling, and on his death forcibly expelled his widow, children,

[1] *Register of Privy Seal*, xl. 106. *Haill* = whole, *queir* = choir, *ilis* = aisles.

[2] *Ibid.* xl. 36.

[3] *Register of Privy Council*, ii. 276, 277. *Big* = build, *reif* = robbery, *soirning* = free quarters.

[4] "The toune of Forterose, callit the channonrie of Ros," had been united in pre-Reformation days to the "burghe of Roismarkie" (*Acts of Parliament*, v. 541, 542).

and servants from "the castell and hous of the channonrie of Ross," and holding it as "ane house of weir" refused to deliver it.[1] About 1615 it was at least intended to repair the cathedral.[2] When, however, Charles I. resolved in 1626 that this should be done, it was so ruinous that "nather any divyne service can convenientlie be performed, nor any ecclesiasticall assemblie be holdin therin." Certain persons had "robbed the rooff and other things belonging to the said church."[3] In 1639, after the overthrow of episcopacy, the magistrates of "the channonrie of Ros" petitioned that their kirk should be "erected into ane parrochin."[4] And in 1649 the inhabitants humbly represented that their "kirk, sometyme called the cathedrall kirk of Ross, lyeth desolate and destitute of a publict ministrie," to the great grief and hurt of their souls, "ever since the lait happie reformatione [*i.e.* since 1638], and that for want of ane competent provisione and mantenance." They therefore desired Parliament to declare their kirk "to be ane particular parishe kirk," and that a competent maintenance should be provided out of the bishop's rents.[5] It was about this time

[1] *Register of Privy Council*, iii. 88–91.

[2] *Letters and State Papers during the Reign of James VI.*, Abbotsford Club, pp. 248, 249.

[3] Earl of Stirling's *Register of Royal Letters*, i. 73.

[4] *Acts of Parliament*, v. 597.

[5] *Ibid.* vi. pt. ii. pp. 223, 703.—John Maxwell, Bishop of Ross, who had been using Laud's service-book peaceably "within the channonrie kirk of Ross," preached there for the last time on the 11th of March 1638. On that occasion he had to do without the service-book, as

that Gordon of Straloch described the cathedral as "not entire,"[1] words which convey the idea that most of it still survived. Its final destruction has been traditionally ascribed to Cromwell, who is said to have used its stones for building a fort at Inverness;[2] but Alexander Brodie of Brodie, a neighbouring laird, heard in 1662 that the Earl of Seaforth had accidentally set it on fire, "by a shott off a gun."[3] Had it been a mere roofless ruin it could not have been burned, and its readiness to take fire may indicate that it was thatched with straw or heather. If this fire wholly ruined the building, it must have been partially repaired, for, in 1695, that is six years after Prelacy was abolished by Parliament as an insupportable grievance, the magistrates and council of the burgh of Fortrose, in petitioning Parliament for pecuniary help from the bishop's rents which now pertained to the king, complain that, "since this happy Revolution and abolishing of Episcopacy," they could get no minister for lack of a stipend, and they state that "their church,

the scholars had carried every copy of it out of the church, and torn them to pieces. He was so alarmed that he disguised himself, rode to England, and never returned to Scotland (Spalding's *Memorialls*, Spalding Club, i. 86).

[1] Macfarlane's *Geographical Collections*, ii. 446.

[2] Old *Statistical Account*, xi. 341; Macgibbon and Ross' *Ecclesiastical Architecture*, ii. 402; Hume Brown's *Scotland before* 1700, p. 141 n.—During recent harbour improvements at Inverness, "numerous remains of finely carved portions of doors, pillars, and windows" were found in the foundations of the fort (*Transactions of Scottish Ecclesiological Society*, i. 101).

[3] Brodie's *Diary*, Spalding Club, p. 280.

which was the cathedral of the diocess and a great fabrick, is so ruinous and demolished that they durst not enter thereto, and keep the ordinance therin, without the hazard of their lives," and, as was notoriously known, "these several years bygone they durst not enter within the roofe therof."[1] The phrase "several years" cannot be understood as covering the thirty-three years which had elapsed since the Earl of Seaforth's disastrous shot; and the language of the petition implies that the cathedral had been used afterwards as the church of the burgh of Fortrose.

Kirkwall Cathedral, as is well known, is still entire. It does not seem to have suffered any damage at the Reformation. It was not used exclusively, however, for ecclesiastical purposes. In 1566 Patrick Bellenden and others, who were wanted for the murder of Riccio, found shelter at Kirkwall in the bishop's palace, and in "the stepill of the cathedrall kirk of Orknay."[2] On new year's day, 1671, "the thunder brake on the pyramide of the said steeple, which was then covered with wood, and set it on fire." The spire was afterwards slated. A writer in 1726 mentions that public worship was then performed only in the choir.[3] Difficulty has been experienced in keeping the

[1] *Acts of Parliament*, ix. 481. — Parliament agreed to recommend the king to allocate, from the revenue of the Bishop of Ross, a competent stipend for the minister, and to allow "so much as his royal wisdom shall think fitt out of the said bishop's revenue," for reparation of the church, "being a cathedral of great fabrick."

[2] *Register of Privy Council*, i. 455.

[3] Macfarlane's *Geographical Collections*, i. 144, 145.

building in repair. In 1633 it was proposed in Parliament that the nave should be upheld from the patrimony of the crown, and that the choir should be upheld by the bishop and his successors.[1] Parliament ordained, in 1685, that the stipends of vacant churches in the diocese of Orkney should, for five years, be devoted to the "reparation of the cathedral church of Kirkwall."[2] In asking help from the barons of exchequer, in 1770, the magistrates, council, and community of Kirkwall, the heritors of St. Olla's parish and other heritors of Orkney, the presbytery of Kirkwall, and the kirk-session of the said burgh and parish, stated that the cathedral had been "supported for above these 70 years past by burials, mortcloths, bills, marriages, and other small perquisites, not exceeding £10 a year, *communibus annis* or thereby."[3] And in 1819 the minister, in a memorial, stated that it had "for time immemorial been under the management of the kirk-session, and upheld by them by means of funds arising chiefly from seats let and feued for the accomodation of the congregation."[4]

So late even as 1795 it could be said of Iona—

"Most of the buildings [of the abbey] are standing, and seem to have received no injury but from time, which was probably the case with the

[1] *Acts of Parliament*, v. 52.
[2] *Ibid.* viii. 474.
[3] Peterkin's *Rentals of the Ancient Earldom and Bishoprick of Orkney*, appendix, p. 50.
[4] *Ibid.* p. 40.

whole of them. The cathedral, or St. Mary's, is almost entire, with the steeple. It is only within these few years that part of the east end of the transverse fell, and some of the head of the cross. St. Oran's chapel is still standing, but in a tottering condition. The Virgin's chapel was standing till within these few years, when part of it fell. Most of the cloisters are still standing. The bishop's, which is small, is also standing."

Of the other ecclesiastical buildings in Iona, it was said at the same time—

"The nunnery church is quite entire; one end of it is arched, and is very beautiful. Here also stands what was called the parish church. It is yet entire, but tottering. There was a court with a piazza to the west side of the nunnery church, and round it the cloisters were built; but there are hardly any remains of them but on the south side of the court."[1]

[1] Old *Statistical Account*, xiv. 202.—Mr. Macmillan, the present worthy minister of Iona, says that "there is no proof that any systematic attempt was ever made to destroy the buildings by those whose religious opinions differed from the system that had been dominant for so many centuries"; and, in the poem of Finlay, the red-haired bard, he perceives "substantial evidence to prove that the monastic buildings in Iona were destroyed by the adherents of the religious system which they represent" (*Iona: Its History, Antiquities, etc.*, 1898, pp. 25, 26). Allan MacRuari, the ravager, flourished in the latter part of the fifteenth century (*The Dean of Lismore's Book*, 1862, pp. 143, 144; Gregory's *History of the Western Highlands*, 1881, pp. 65, 66). The story of the destruction of the crosses by a "provinciall assembly holden on the place a little after the Reformation" was regarded by Bishop Reeves as preposterous (Adamnan's *Columba*, 1874, pp. cxxxvii., cxxxviii). A drawing of the cathedral by the Earl of Buchan in 1761 shows it as then a roofless ruin. The drawing and the earl's account of Iona are in the *Transactions of the Society of Antiquaries of Scotland*, i. 234–241.

In one of the documents signed by Queen Mary's commissioners in 1568, reference is made to the "casting downe cathedrall kirkis" since the coronation of James VI., that is, since the 29th of July 1567; but no indication is given of their number or respective localities.[1] There is evidence to show that one of the cathedrals, that of Lismore, was in a ruinous condition half a century before the Reformation. James IV., writing to Julius II. in April 1512, speaks of it as founded in a barren country, poorly endowed among a rude people, and as having gone to ruin. It had, he said, neither bishop nor chapter. Its approaches were unsafe, and it had no supplies. The suppressed monastery of Sagadul [*i.e.* Saddel in Kintyre] had been incorporated with it for the support of the bishop. The king requested, therefore, that the see should be transferred to Sagadul and a cathedral erected there.[2] All that survives of Lismore Cathedral, "a single quadrilateral chamber without aisles," is used as the parish church.[3]

In 1573 the Regent Morton reported to the general assembly that cathedrals which were used as parish churches must be upheld as formerly until Parliament prescribed otherwise.[4] This

[1] Anderson's *Collections relating to Mary Queen of Scots*, vol. iv. pt. ii. p. 90.

[2] *Letters and Papers of the Reign of Henry VIII.*, vol. i. pt. i., No. 3141.

[3] Macgibbon and Ross' *Ecclesiastical Architecture*, ii. 263.

[4] *Booke of the Universall Kirk*, i. 280.

shows that in 1573 several of the cathedrals were being used as parish churches; and if found suitable for that purpose there was little chance of their being wilfully thrown down. A later reference, which embraces cathedrals, but which is also rather indefinite, occurs in the *Second Book of Discipline*. One of the abuses remaining in the Church was the holding of chapters, in Papistical manner, "in cathedrall kirkis, abbayis, collegeis, or uther conventuall places."[1] It is not likely that chapters would meet among ruins where they would have been exposed to wind and rain and frost and snow; and so it may be inferred that not only were there cathedrals still fit for use, but that there were abbeys, collegiate establishments, and convents still capable of providing shelter. In connection with another abuse complained of at this time, there is a statement much more definite concerning the monasteries. This abuse was the admission of men to "Papisticall titles of benefices," such as abbots, commendators, priors, and other titles of abbeys, whose "places are now, for the maist parte, be the just judgement of God, demolished and purged of idolatrie."[2] This appears to imply that at least fully one half of the abbeys

[1] *Booke of the Universall Kirk*, ii. 506.—The only purpose which these chapters served was "to sett fewis and tackis (gif ony thing be left) of kirk landis and teyndis, in hurt and prejudice thairof" (*ibid.* ii. 504).

[2] *Ibid.* ii. 504.—The *Second Book of Discipline*, in which these statements occur, was practically completed in 1577, and was ordered to be engrossed in the Register in 1581.

and priories had been "demolished and purged of idolatrie"; and therefore Principal Baillie, although he may have been right in saying that only "two or three cathedrall churches were cast down," must be wrong when he limits the monasteries destroyed to "some few"; and his information may have been defective when he affirms: "I have not heard that in all our land above three or foure churches were cast down."[1] If, however, more than a few of the abbey churches and cathedrals had not been spared, Parliament would hardly have passed an Act, in 1592, in order to secure manses and glebes for "all abbayes and cathedrall kirkis within this realme quhair na uther mans nor gleib pertening to parsone or vicare wes of befoir."[2] The same Parliament, in an Act anent a manse for the minister of Pittenweem, describes the priory of that town as if it were still practically entire.[3] Robert Gordon of Straloch states that in his early youth (*i.e.* about 1595) he saw the abbey of Deer, the church, the house, the monks' cells, pleasant gardens, and other objects, almost intact.[4]

Kelso Abbey, which had been so terribly shattered by Hertford, was described in 1698, as then

[1] *Historicall Vindication*, 1646, pt. i. p. 40.

[2] *Acts of Parliament*, iii. 543.—Abbots, priors, other prelates, and feuars of the said cathedrals and abbeys were to have the option of granting a manse to the minister either within the precincts of their place, or a sufficient manse as near and commodious to the parish kirk.

[3] *Ibid.* iii. 552, 553.

[4] Macfarlane's *Geographical Collections*, Scottish History Society, ii. 298.

being, and as having been past memory, "almost quite ruinous, there only remaining 10 or 12 vaults, and a church memorable rather for what it seems to have been than for what it is." Some of these vaults had long served as a manse for the Protestant ministers.[1] That portion of the church which had been fitted up as a parish church continued to serve that purpose until 1771; and over the parish church there was a jail.[2]

The avowed opinions held by the Reformed Church of Scotland, regarding ecclesiastical buildings, at and after the Reformation, are set forth in various records. The framers of the *First Book of Discipline* say—

"So can we not cease to requyre idolatrie, with all monumentis and places of the same, as abbayis, monkeries, freireis, nunreis, chapellis, chantreis, cathedrall kirkis, channounreis, colledges, uthers than presentlie are paroche kirkis or sculis, to be utterlie suppressed in all boundis and places of this realme (except onlie the palacies, mansionis, and dwelling places adjacent thairto, with orchartis and yardis of the samyn): as also that idolatrie may be removed from the presence of all personis, of quhat estait or conditioun that ever thai be, within this realme."[3]

[1] Kirkwood's *Plea*, 1698, pp. 67, 68.

[2] Morton's *Monastic Annals*, 1832, pp. 105, 106.

[3] Laing's *Knox*, ii. 188. *Chantreis* = chapels for chanting masses for the dead, *channonreis* = canonries, but here apparently used for channery-kirks; the cathedral of Elgin was known as "the channonrie kirk," "the chanonrie kirk," "the chanery kirk," "the chanrie kirk" (*Records of the Kirk-Session of Elgin*, 1584–1779, pp. 35, 64, 228, 242), and the town of

The force of this passage depends on the two words "utterlie suppressed." Even if they are understood as meaning "utterly overthrown," it will be noticed that they do not apply to parish churches, and only to those abbeys, monasteries, friaries, nunneries, cathedrals, etc., which were not being used as parish churches or schools. In worldly warfare a victorious general may deem it necessary to destroy those fortifications of an enemy which he cannot himself occupy. On that principle the Reformers would have been justified in casting down the abbeys, monasteries, etc., which they could not utilise;[1] but even of these they excepted the adjacent residential portions—the palaces, mansions, and dwelling-places—with their orchards and gardens. That they were very far from desiring churches as such to be cast down is amply proved by the section of the same *Book of Discipline* which treats of the necessity of repairing the churches and places, in which the

Fortrose, in which the cathedral of Ross was situated, was known as "the channonrie of Ros" (*supra*, p. 398 *n.*). For the school in the abbey of Culross, see *infra*, pp. 515, 516.

[1] George Gillespie defends, "not as in itself necessary, yet as expedient *pro tunc*, that which the Reformators of the Church of Scotland did in casting downe some of those churches, which had been consecrate to Popish idolls, and of a long time polluted with idolatrous worship." Such destruction was calculated to wipe out the memory of that superstition for which they had been used; and was also intended to strengthen the hands of those who adhered to the Reformation, "by putting Papists out of all hope of the re-entry of Popery," and by "hedging up the way with thornes that the idolatrously minded might not find their pathes." Gillespie was far from being enamoured of those "who carry a favourable eye to the pompous bravery of the Romish whoore" (*English-Popish Ceremonies*, 1637, part iii. p. 23).

people ought publicly to convene. It declares that they should be expeditiously "repaired in durres, wyndois, thak," and internally with such preparation "as apperteaneth alsweall to the majestie of the Word of God as unto the ease and commoditie of the people." Every church, it is insisted, ought to have doors, close windows of glass, thatch or slate able to withhold rain, a bell to convocate the people, a pulpit, a basin for baptism, and "tables for the ministratioun of the Lordis Suppar." Where the congregations were large, "reparatioun" ought to be made "within the churche for the quiet and commodious receaving of the people." It was proposed that the expenses should be met partly by the people and partly by the teinds.[1]

At the first general assembly (21st December 1560) it was resolved that the parishioners of Restalrig should assemble for the ministry of the Word and sacraments in the kirk of Leith, "and that the kirk of Restalrig, as a monument of idolatrie, be raysit and utterlie castin downe and destroyed."[2] That this finding was to some extent carried into effect is certain, for many of the ashlar stones were used, in August 1571, to build a new port at the Nether Bow of Edinburgh.[3] The church, however, was not "utterlie castin downe." As late as 1836, the chancel—of which the walls and gable still remained—was restored, and again

[1] Laing's *Knox*, ii. 251, 252.
[2] *Booke of the Universall Kirk*, i. 5.
[3] *Diurnal of Occurrents*, p. 241.

used as a place of worship.[1] Restalrig may have been specially obnoxious to the Reformers as a place of pilgrimage haunted by the devotees of St. Triduana.

The second general assembly (May 1561) perceiving that "the pestilent generatioun of that Romane antichrist within the realme" were desirous of re-erecting "thair idolatry," requested the help of the privy council for, *inter alia*, "suppressing of idolatrie throughout the whole realme, and punishing the users thereof, maintainers of the samein, haunters and frequenters thereto." The privy council granted the request, and passed an Act of the nature desired.[2] Unfortunately there is a hiatus in the *Register of the Privy Council* at this period, and the precise language of the Act cannot therefore be quoted. Knox, who gives the substance of the supplication somewhat differently,[3] thus speaks of the results—

"The lordis of secreit counsall maid ane Act, that all places and monumentis of ydolatrie suld be destroyit. And for that purpose wes directed to the West, the Erle of Arrane, having joyned with him the Erlis of Argyle and Glencarne, togidder with the Protestantes of the West; quha burnt

[1] *Registrum Domus de Soltre*, etc., p. lx.

[2] *Booke of the Universall Kirk*, i. 8-10.—Thomas Menzies, Provost of Aberdeen (*supra*, p. 382), was one of the deputation appointed to lay the supplication before the privy council.

[3] "That idolatrie, and all monumentis thairof, suld be suppressit throwout the haill realme; that the sayaris, heiraris, mayntenaris, and usaris of the messe, suld be punischit according to the Act of Parliament" (Laing's *Knox*, ii. 161).

Paislay (the Bischope [of Sanctandrois, quha was abbot thareof] narrowlie eschapit), kest doun Failfurd, Kilwynnyng, and a part of Corsragwell. The Lord James wes appointed to the North, quhair he maid sick reformatioun as nathing contentit the Erle of Huntlie, and yet seemed he to approve all thingis."[1]

Spottiswoode, who appears to have been uncertain whether to ascribe this Act to the privy council or to a convention of the estates,[2] and who seems to assign it to the preceding January, says—

"An Act was passed for demolishing cloisters and abbey-churches, such as were not as yet pulled down; the execution whereof was, for the west parts, committed to the Earls of Arran, Argyle, and Glencarne; for the north to Lord James; and for the in-countries to some barons that were held most zealous.

"Thereupon ensued a pitiful vastation of churches and church-buildings throughout all the parts of the realm; for every one made bold to put to their hands, the meaner sort imitating the ensample of the greater and those who were in authority. *No difference was made, but all the churches were either defaced or pulled to the ground. The holy vessels, and whatsoever else men could make gain of, as timber, lead, and bells, were put to sale. The very sepulchres of the dead were not spared.*

[1] Laing's *Knox*, ii. 167, 168. *Kest* = cast, *maid sick* = made such.

[2] Though referred to as a meeting of privy council, it seems that others than members were also present for the time being.

The registers of the Church[1] *and bibliotheques were cast into the fire.* In a word all was ruined, and what had escaped in the time of the first tumult did now undergo the common calamity; which was so much the worse, that the violences committed at this time were coloured with the warrant of public authority. Some ill-advised preachers did likewise animate the people in these their barbarous proceedings, crying out, 'That the places where idols had been worshipped ought by the law of God to be destroyed, and that the sparing of them was the reserving of things execrable'; as if the commandment given to Israel for destroying the places where the Canaanites did worship their false gods had been a warrant for them to do the like. The report also went that John Knox (whose sayings were by many esteemed as oracles) should in one of his sermons say 'that the sure way to banish the rooks was to pull down their nests': which words (if any such did escape him) were to be understood of the cloisters of monks and friars only, according to the Act passed in the council. But popular fury once armed can keep no measure, nor do anything with advice and judgment."[2]

Too much reliance is usually placed on this sweeping statement, which would have been much

[1] "Notwithstanding the unsettled state of church affairs in Scotland, the registers of this bishoprick [Moray] continued in the hands of the successive bishops till the final abolition of Episcopacy at the period of the Revolution; soon after which they appear to have been acquired by the Faculty of Advocates, in whose library they still are" (*Registrum Episcopatus Moraviensis*, Bannatyne Club, p. xvi.). The numerous cartularies or registers of Scottish religious houses and bishoprics which have been printed from the originals since 1837 furnish ample proof that many were not consigned to the flames at the Reformation.

[2] Spottiswoode's *History*, i. 372, 373.

more satisfactory if it had given some idea of the number of churches that were actually "pulled to the ground," and of those that were merely "defaced." By "defaced," Spottiswoode probably meant that symbolical sculptures and fittings were destroyed as well as altars and images; but his language plainly implies that other churches than those of monasteries or friaries were pulled down or defaced. With the exception of the spelling, and the omission of two words, "were" and "the," the passage, quoted above from the Spottiswoode Society edition of Spottiswoode's *History*, is exactly the same in the first edition, which was printed in 1655. The variations in the spelling and the omission of the two words do not affect the sense. But in the MS. copy of the *History* to which Keith had access, the sentences which I have italicised read thus—

"They rifled all churches indifferently, making spoil of everything they found. The vessels appointed for service of the church, and whatsoever else made for decoration of the same, was taken away and applied to prophane uses. The buildings of the church defaced, the timber, lead, bells, put to sale, and alienated to merchants. The very sepulchres of the dead were not spared, but digged, ript up, and sacrilegiously violated. Bibliothecks destroied, the volumes of the fathers, councells, and other books of humane learning, with the registers of the church, cast into the streets, afterwards gathered in heapes, and consumed with fire."[1]

[1] Keith's *History of the Affairs*, 1734, p. 503; Spottiswoode Society edition, iii. 37.

In this more detailed version of his story, Spottiswoode does not say that any churches were "pulled to the ground," but that they were "rifled" and the buildings "defaced."

It is difficult to fix the precise date of this destruction of monastic buildings and monuments of idolatry. If Bishop Quadra, the Spanish ambassador in London, was well informed, it had not taken place before the 23rd of July 1561, and was not even sanctioned at that time. Writing on that day to Philip II., he gave as the news from Scotland that the heretics had convoked a Parliament for the 27th, and, as he understood, it was "the intention in this Parliament to demolish the monasteries and abbeys which still exist, because, as their preachers say, 'If they want to do away with the rabbits they must destroy the warrens.'"[1] The general assembly's articles and supplication were ready for presentation to the privy council on the 28th of May; and their desires were apparently

[1] *Spanish Calendar, Elizabeth*, i. 210.—The simile of the rabbits and their warrens is here applied to monasteries and abbeys, just as Spottiswoode held that the saying attributed to Knox ("if any such did escape him"), concerning the rooks and their nests, was to be understood only of the cloisters of monks and friars. John Row thought that it was true that Knox said, "Doun with these crow nests, else the crowes will big in them againe" (Row's *History*, Wod. Soc. ed. p. 12). In a report which the Jesuit priests sent to Clement VIII. in 1594, the saying is taken back to 1559, but its meaning is also limited by them to the monasteries. According to this report, when the congregation went to Perth, Knox "was always repeating to the mob his advice to pull the monasteries down to the ground, 'for (said he) if you leave the nests standing the old birds are sure to come back to them'" (Nau's *History of Mary Stewart*, 1883, p. 110). In the so-called *Historical Memoirs* by Lord Herries (p. 38), it is said that at Perth, in May 1559, Knox encouraged the people "to pull

granted immediately,[1] certainly before the 5th of June.[2] It does not seem likely that the carrying out of the act of the privy council would be delayed until the end of July; and, if it had been carried out in the manner described by Spottiswoode, it is hardly conceivable that Bishop Quadra would not have heard of it. The natural inference therefore is that Spottiswoode's account is very highly coloured, or rather, grossly exaggerated.[3]

This inference is confirmed by various facts. Paisley, which Knox specially mentions as having been burned, was not utterly destroyed. Six years afterwards, when Queen Mary was in Loch Leven, Throckmorton, then in Edinburgh, heard that the lords intended to go to Paisley Abbey, "to make some reformation in religion."[4] There must still have been something there which, from the Protestant point of view, required to be reformed. That which survived thirty years ago is thus described—

doune the churches; for in his sermon he bid them 'Pull doune the nests that the crowes might not build again.'" It is rather remarkable that the church in which Knox preached that sermon is still standing, and still in use. The reliability of these *Memoirs* may be gauged by the audacious statement that the people ran out of the church in confusion and "killed the priests."

[1] *Booke of the Universall Kirk*, i. 10.

[2] *Foreign Calendar, Elizabeth*, iv. 129.

[3] According to Buchanan, the Act was for demolishing monasteries, and was carried out forthwith. His words are: "In eodem illo concilio factum est decretum, de omnibus monachorum cœnobiis demoliendis: ac statim in omnes partes sunt dimissi, qui imperata perficerent" (Ruddiman's *Buchanan*, i. 328).

[4] Bain's *Calendar of Scottish Papers*, ii. 370.

"The nave is almost as perfect as when it was built. The chapel of St. Mirin is also entire. The northern gable of the transept, with its beautiful window, is untouched; but the choir has only part of its walls remaining. Both it and the transept are unroofed. . . . Of the conventual buildings none remain. They were almost all converted after the Reformation into dwelling-houses."[1]

Of Crossraguell, of which Knox says a part was cast down, "the monastic buildings, although much ruined, are still of considerable extent, and comprise besides the church more remains of ecclesiastical and domestic structures than are usual in our Scottish religious establisments."[2]

It is otherwise evident that the privy council at that time, so far from desiring to pull down churches, wished to preserve them. Here is the proof. In July 1562, the general assembly, in a petition addressed to Queen Mary and her privy council "desyre the kirks to be repared, according

[1] Cameron Lees' *Abbey of Paisley*, 1878, p. 206.—In the opinion of Mr. Macgregor Chalmers, the church of Paisley Abbey was not destroyed by the Reformers, the massive wall across the east end of the nave having been built after a disastrous fire long before the Reformation, and built clear of the western piers of the tower, so that the restoration of the choir and tower destroyed by that fire might be carried on without interfering with the use of the nave (*Transactions of the Scottish Ecclesiological Society*, ii. 403). "A prettie handsome steeple," built by Archbishop Hamilton at Paisley, "fell before it was well finisht" (Martine's *Reliquiæ*, p. 242). Like the bell-tower, erected by Abbot Guthrie at Kinloss, it may have been built on unsound principles. The steeple of Kinloss fell in 1574 (*Ferrerii Historia Abbatum de Kynlos*, pp. xiii. xiv.).

[2] Macgibbon and Ross' *Ecclesiastical Architecture*, ii. 402.—"The expression, 'cast down,' means, I think, the destruction of much of the internal decoration and furniture" (Lord Bute's *Essays on Home Subjects*, 1904, p. 260).

to an Act sett forth by the lords of the secret counsaill befor your majestie's arryvall in this country,"[1] that is, according to an Act which must have been issued before the 19th of August 1561. It may be assumed, therefore, that the Act, passed on or immediately after the 28th of May 1561, was not intended to sanction or encourage the destruction of parish churches. And the petition shows that the general assembly was anxious in 1562, as the compilers of the *First Book of Discipline* had been in 1560, that delapidated churches should be repaired. Moreover, on the 15th of February 1561–62, that is six months after Mary's return from France, the privy council ordained that the magistrates of Aberdeen, Elgin, Inverness, Glasgow, and other burghs where the friaries were yet standing "undemolissit," should uphold them, in order that they might be used for hospitals, schools, and other godly purposes.[2]

[1] *Booke of the Universall Kirk*, i. 23.

[2] *Register of Privy Council*, i. 202.—So early as the 7th of December 1560 the privy council had, in response to the petition of the burgesses and inhabitants of Peebles, granted them as their parish church the kirk of the Trinity Friars, which was still standing and "verray commodius." The parish church, which had been "brint and destroyit" by the English, had not been repaired; and the petitioners promised that, if the kirk of the Trinity Friars were granted to them, they would "exclude forth of the samin all maner of ydolatry" (*Charters and Documents relating to the Burgh of Peebles*, p. 264). In June 1564, the general assembly resolved that a request should be presented to the queen "for obtaining the gift of the friers' kirk of Kirkubright, to be holden herafter the parish kirk of Kirkubright" (*Booke of the Universall Kirk*, i. 51). The kirk-session of Aberdeen, in 1576 appointed two men to take up a collection from the inhabitants "to beit the Gray Freiris kirk" (*Selections from Records of Kirk Session, etc., of Aberdeen*, Spalding Club, p. 21).

The general assembly's petition to the queen in July 1562 was not fruitless. On the 4th of June 1563, Parliament ordained that the privy council should take order "for reparrelling and uphalding" parish kirks, and kirkyards for burial of the dead, in time coming, and declared that the action of the privy council therein should have as much force as if it had been embodied in this Act of Parliament.[1] Accordingly, on the 13th of the following September, the privy council, understanding that the parish kirks of this realm, partly by sloth and negligence of the parishioners, and partly by oversight of the parsons, "dailie decayis and becumis ruynous, and part of thame ar alreddy fallin doun," ordained that those which were "decayit and fallin downe" should be "reparit and upbiggit," and that those "ruynous and faltie" should be "mendit"; and that after being sufficiently mended in windows, thatch, and other necessaries, they should be upheld by the parishioners and parsons, the parishioners to pay two-thirds of the expense and the parson one-third.[2] The machinery provided for carrying out this Act was insufficient, and so for years it was practically a dead letter. When, in July 1570, the Superintendent of Fife was delated to the general assembly for negligence in repairing kirks, his excuse was that he could get no officer-of-arms

[1] *Acts of Parliament*, ii. 539, 540.
[2] *Register of Privy Council*, i. 247, 248.

to put in execution letters against parishioners whose churches were ruinous.[1]

The privy council in its Act had ordained that the parishioners should be charged to elect some of the most honest, qualified men in their respective parishes, to tax them proportionately; and that the parishioners should make payment to the kirkmasters or deacons; and, further, that the parson's part of the fruits, teinds, and profits of the parishes should be "sequestrat," until he paid his share of the expense to the kirkmaster or deacons.[2] In January 1572–73, Parliament declared that this Act had not taken effect because of the sloth and unwillingness of the parishioners, who refused to choose persons to tax their neighbours, and also because there were neither kirkmasters nor deacons appointed to receive the taxation; and therefore Parliament ratified the Act of privy council with this addition that, when parishioners refused or delayed to choose persons to tax them, or when no kirkmasters or deacons were appointed, then the archbishop, bishop, superintendent or commissioner of the kirk should, at his discretion, appoint persons to make and receive the taxation. The Act of privy council implies that the decaying and ruinous parish churches had suffered only from natural decay and neglect; but, in this Act of Parliament, it is explicitly stated that "thair hes

[1] *Booke of the Universall Kirk*, i. 175.—In 1564 the general assembly desired the queen to put in execution the Acts concerning "the reparatioun of the kirks" (*ibid.* i. 53). There was urgent need (*ibid.* i. 84).

[2] *Register of Privy Council*, i. 248.

bene divers paroche kirkis within this realme demolischit, cassin doun and destroyit for the maist part," and that certain persons had appropriated the stones, timber, and other material.[1] Perhaps the parish churches which had suffered such violence in their fabrics had so suffered between 1563 and 1572, or if they had been subjected to it earlier the privy council may not have known.[2] In either case, the number of parish churches which had suffered from actual violence would seem to have been small compared with the number which had become or were becoming ruinous through natural decay and neglect in 1563; and, of course, those that were in such a condition through neglect by that time could not have been in a satisfactory state in 1559.

The parish church of Dunfermline may be taken as an illustration. The custom had been that the abbots upheld the walls and kept the roof covered with lead, the vicars maintained the glass windows, and the township the "reparaling" of the interior. But by September 1563, through the neglect of the

[1] *Acts of Parliament*, iii. 76*, 77.

[2] According to Ninian Winzet some of the parish churches had been cast down by 1563. He asks the Reformers why they had "wappit doun" the monasteries; and argues, if they alleged that these were polluted with idolatry and therefore deserved to be destroyed, "quhy hef ye nocht destroyt also to the ground (as ye hef done in a part) all paroche kirkis, and bischopes saites?" (*Certane Tractatis*, 1835, p. 110). Nicholas de Gouda, the papal legate who visited Scotland in 1562, says in his report: "The monasteries are nearly all dissolved; some completely destroyed; churches and altars are overthrown; all things holy profaned; the images of Christ and of the saints are broken and cast down" (*Pollen's Papal Negotiations*, p. 135).

abbot and vicar, the walls were riven in several places;[1] the vault parted, the one side nearly from the other; and the glass windows so decayed that no glass was left in them. The building, indeed, was so dilapidated that the parishioners could enter or remain in it only at the risk of their lives. It would be absurd to suppose that neglect and natural decay could have so affected the building in four years; and the scope of the proceedings in the privy council concerning it precludes the idea of its having been subjected to violence.[2]

An illustration of a different kind is furnished by the dealings of the general assembly with Adam Bothwell, Bishop of Orkney, who by an arrangement with the Commendator of Holyrood had obtained the right to a substantial pension from the revenues of that abbey. The abbey had twenty-seven churches or thereby in Lothian and Galloway; and one of the charges against Bothwell, in March 1569–70, was that—

[1] The clause, "the wallis in sindrie partis ar revin," recalls the line in Sir David Lyndsay's *Dreme*, written about 1530, which, recounting the misdeeds of the prelates, says—"Thair kirkis revin, thair ladyis clenelie cled" (Laing's *Lyndsay*, i. 9).

[2] *Register of the Privy Council*, i. 246, 247.—According to Pitscottie, on the 26th of March 1560, "the haill lordis, barrouns and borrowis of the congregatioun that was in this syde [*i.e.* the north side] of Fourtht passit to Stirling and caist doune the abbay of Dumfermling in thair way" (*Historie and Cronicles*, Scot. Text Soc., ii. 168). Dalyell's edition (1814, ii. 555) gives the 28th of March as the date. But neither the abbey nor its church was entirely cast down. The nave of the abbey church served long as a parish church, until the present one was built on the site of the choir and transepts. When that new church was begun, in 1818, "four very tall and beautiful Gothic windows," in the north wall of the north transept, were removed (Chalmers' *Historical and Statistical Account of Dunfermline*, 1844, pp. 121, 126).

"All the said kirks, for the most part, wherein Christ's Evangell may be preached, are decayed, and made, some sheepfolds, and some so ruinous that none darre enter into them for fear of falling; specially Halyrudhouse, although the Bishop of Sanct Andrews in time of Papistry sequestrate the whole rents of the said abbacy, because only the glassen windows were not holden up and repaired."[1]

In his defence Bothwell alleged that—

"He was but of late come to the benefice; and the most part of these kirks were pulled down be some greedy persons, at the first beginning of the Reformatione, which hath never been helped or repaired sensyne; and few of them may be repaired be his small portion of the living; but specially the abbay church of Halyrudhouse, which hath been, these 20 years bygane, ruinous through decay of two principall pillars, so that none were assured under it; and two thousand pounds bestowed upon it would not be sufficient to ease men to the hearing of the Word and ministration of the sacraments. But with their consent, and help of ane established authority, he was purposed to provide the means, that the superfluous ruinous parts, to wit the queir and croce kirk, might be

[1] *Booke of the Universall Kirk*, i. 163.—It is a pity that the general assembly gave neither the date when this drastic remedy was applied nor the name of the bishop who applied it. As Hamilton's *Catechism* (Law's ed. p. 98) puts it, beneficed men were simply stewards of the teinds and offerings of the Christian people, and ought to spend the same, *inter alia*, "in reparatioun of thair queir quhen it nedis." But, according to the testament of Duncan Laideus, although the parson exacted his teinds from the poor with relentless cruelty, his purpose was not to build churches, for "these seven years the choir will ly unmenden" (Innes' *Sketches of Early Scotch History*, 1861, p. 363).

disponed be faithfull men, to repair the remanent sufficiently; and that he had also repaired the kirks of Sanct Cuthberts and Liberton, that they were not in [so] good case these 20 years bygane: and farther, that there was ane order to be used for reparation of kirks, whereunto the parochiners were obliged as well as he; and quhen they concurred his support should not be inlaiking."[1]

According to this statement actual violence had been used towards a number of these churches at the beginning of the Reformation. They had been pulled down by "greedy persons" who coveted the materials. The phrase "hath never been helped or repaired sensyne" indicates that they had only been partially pulled down. The reference to St. Cuthbert's and Liberton, as being in better condition now than they had been for twenty years bygone, suggests that only now had they quite recovered from Hertford's violence. The statement concerning the abbey church of Holyrood is specially interesting. The choir and transepts were not only ruinous, but were regarded as "the superfluous ruinous parts" which might be disposed of to provide means for repairing "the remanent" part (*i.e.* the nave) sufficiently; and the nave had been in a dangerous condition for twenty years bygone "through decay of two principall pillars." The period assigned determines the decay to have

[1] *Booke of the Universall Kirk*, i. 167, 168.—*Queir and croce kirk* = choir and transepts.

been pre-Reformation.[1] Notwithstanding the condition of two principal pillars, the nave was being used as the parish church of the Canongate. It was in this church that Lord Bothwell married Lady Jean Gordon; in the apartment of the palace known as "the auld chappell" that he married Queen Mary; and it was in the chapel-royal of the palace that she had previously married Darnley.[2] There are indications in the abbey church that the bishop's economical plan for repairing it was carried out. The choir and transepts have disappeared, having doubtless been taken down for the sake of their materials. "Of the four pillars designed to support a great central tower, the two western ones now form the sides of the east window constructed within the arch, and an examination of the masonry with which the lower parts of this and the side arches are closed shows that it consists mainly of fragments of clustered shafts [moulded voussoirs of vaulting ribs] and other remains of the ruins."[3]

Reference has already been made to the anxiety displayed by the general assembly, in February 1587–88, for the repair of the churches of Glasgow,

[1] In a French memorandum on the state of Scotland in 1558, it is said that there are few good towns, and that the principal, Edinburgh, was ruined by the English about 1546 with the environs, specially the churches (Bain's *Calendar of Scottish Papers*, i. 206). In August 1557 the town council authorised the spending of £10 that year on "the beting and mending" of St. Roque's chapel, which was reported "to be rewynous and falling doun" (*Extracts from Burgh Records of Edinburgh*, 1557–1571, pp. 7, 8).

[2] Fleming's *Mary Queen of Scots*, 1897, pp. 257, 347, 348, 455.

[3] Wilson's *Memorials of Edinburgh*, 1891, ii. 258.

Dunfermline, and Dunblane.[1] One of the grievances deplored by that assembly is that in Ross "the kirks are everywhere demolished and ruinous, which is a commoun greife throu many parts of the land"; another is that, in many places in Fife, the kirks are ruinous and destitute of pastors; and another is that in Dunblane the kirks are ruined and desolate. It was declared that, if religion was to stand, all the ruinous churches throughout the realm must be repaired, and "all parish kirks that are demolished and fallen doun" must be built and repaired.[2]

It was doubtless due to the remonstrances of the general assembly from time to time, that so many of the old churches were saved from utter destruction, and that many which were becoming ruinous were to some extent repaired. The number still standing in 1662 was so great, both in burghs and in the country districts, that Petrie argued that no necessary church had been thrown down at the Reformation.[3] A very large percentage of those which remained until his time has disappeared since then. The disappearance may be accounted for by accident, by natural decay accelerated by neglect, by frequent repairs and extensive alterations, and by the necessity of more accommodation or a more convenient situation. Some were not removed until last century, as, for example, the

[1] *Supra*, p. 389.
[2] *Booke of the Universall Kirk*, ii. 718, 719, 721, 723.
[3] Petrie's *Compendious History*, 1662, ii. 216.

church of St. Michael at Inveresk, in which George Wishart had preached, "which continued as a place of worship till 1804, was then taken down, and a modern structure, much inferior in architectural beauty, . . . reared on its site."[1] Others which were deserted fell speedily into ruin, such as the church of St. Serf in Dysart, which was in use until 1802, and the church of St. Fillan in Forgan parish, which was in use until 1841.[2] One of the ministers of Dysart wrote thus of the old church in 1794: "The architect, if he intended it for preaching, cannot be praised for his contrivance. It is dark, the side walls low, and the incumbrances of pillars, etc., so many, that it is difficult to make the voice reach it. It does not seat above half the congregation." He explained that as a result: "Numbers are obliged to take seats in neighbouring congregations; some go to the sectaries; others, it is to be feared, take advantage of the circumstance to forsake public worship altogether."[3] In 1838 the minister of Forgan complained that his church, being at the south-east extremity of the parish, was very inconvenient for the population in

[1] *New Statistical Account, Edinburghshire*, pp. 270, 271.

[2] Millar's *Fife*, 1895, ii. 95, 281.

[3] Old *Statistical Account*, xii. 519.—On the 26th of December 1562, the town council, having convened in the steeple, resolved that "the rud loft be tane doun to repare the queir for the service of the communitie" (Muir's *Gleanings from the Records of Dysart*, 1862, p. 17). The fact that the rood-loft had been spared so long has been regarded as a proof that the change at the Reformation had been effected with moderation at Dysart.

general, and impossible for the aged, the infirm, and the young.[1] The reasons and the results were typical. Many of the old churches were not suited for Presbyterian worship; many became too small for the increasing population; and others were inconveniently situated. To remedy these drawbacks, their architectural character was in some cases destroyed; in some, the building was replaced by a new one.

It ought not to be forgotten that the ruthless destruction of altars and images, of relics and vestments, gave sincere satisfaction and pleasure to genuine Christian men, like Murdoch Nisbet, who took part in it.[2] To them these things were the unholy symbols of a spiritual tyranny, of an anti-Christian power, of a soul-destroying system, no less hateful to God than pernicious to man. They abhorred that system, because they knew it in its workings and in its fruits. They had groaned under its despotism. They had suffered

[1] *New Statistical Account, Fifeshire*, p. 515.—In the *Second Book of Discipline* it was suggested that some parishes might be united; that "the principall and maist commodious kirkis" in them should be sufficiently repaired; and that the other churches, which were not found necessary, might be "sufferit to decay" (*Booke of the Universall Kirk*, ii. 508).

[2] *Select Biographies*, Wodrow Society, ii. 378.—Regarding "the destruction of Catholic edifices and ornaments consequent on the change of religion in England," Pugin declares that, "after the most patient investigation," he had been "compelled to adopt the conclusion that the most fearful acts of destruction and spoliation were committed by men who not only had been educated in the ancient faith, but who were contented externally to profess its doctrines" (Welby Pugin's *Treatise on Chancel Screens and Rood Lofts*, 1851, p. 6).

under its lash. They had seen not a few of their friends—men of whom the world was not worthy—driven into exile, and some consigned to the stake while the bloated clergy wallowed in vice. The rascal multitude that took part in the destruction of ecclesiastical buildings may have been partly moved by hatred of the priestly oppressors, partly by a love of mischief, and partly by the hope of plunder.[1] However mixed their motives may have been, the alacrity with which the people assailed the buildings they had so long held sacred, the altars they had regarded as peculiarly holy, the images before which they had reverently bowed, furnishes most eloquent evidence of the contempt into which the pre-Reformation Church had deservedly fallen and of the odium it had culpably incurred.

[1] "In all this tyme [the summer of 1559], all kirkmennis goodis and geir wer spoulyeit and reft frae thame, in everie place quhair the samyne culd be apprehendit; for everie man for the maist part that culd get any thing pertenyng to any kirkmen thocht the same as wele won geir" (*Diurnal of Occurrents*, p. 269).

XII

CONSEQUENCES—THE DECLINE OF PERSECUTION

One of the most notable consequences of the Reformation in Scotland was the extinguishing of the fires of persecution. Henceforth no man was to be burned for heresy. The penalties for saying mass, or for being present at its celebration, were very severe, but they were seldom inflicted. To this age such penalties, though they had been merely nominal, seem barbarous. We may think it strange that men who had suffered so much from the tyranny of others should, when they got the upper hand, have oppressed in any degree those who differed from them; but our ideas of toleration—due in many cases to a Laodicean lukewarmness or to a Gallio-like indifference—would not, perhaps could not, have been accepted in the sixteenth century.

Froude has said: "Toleration is a good thing in its place; but you cannot tolerate what will not tolerate you, and is trying to cut your throat."[1]

[1] Froude's *Influence of the Reformation on the Scottish Character*, 1865, p. 26.

That is perfectly true; and the Scottish Reformers knew well that they would be terribly punished if their former oppressors ever regained their power, but they did not adduce this knowledge to justify the penalising of the mass. To them the mass was not merely a false sacrament—it was rank idolatry; and in their opinion it was the duty of the civil magistrate to maintain the true religion and to suppress idolatry. This is put very plainly in the 1560 *Confession of Faith*—

"To kingis, princes, reullaris, and magistratis, we affirme that cheiflie and maist principallie the reformatioun and purgatioun of the religioun apperteanes; so that not onlie thei are appointed for civile policey, bot also for mantenance of the trew religioun, and for suppressing of idolatrie and superstitioun whatsomever, as in David, Josaphat, Ezechias, Josias, and otheris, heychtlie commended for thair zeall in that caise, may be espyed."[1]

[1] Laing's *Knox*, ii. 118, 119.—In the *Confession* printed in the *Acts of Parliament* (ii. 534; iii. 22), "conservatioun" is given instead of "reformatioun." In Dunlop's *Confessions* (ii. 92) it is "conservation and purgation"; and in the preamble of an Act of 26th January 1572-73, the phrase is likewise "conservatioun and purgatioun" (*infra*, p. 456 *n.*). In the Rheims version of the New Testament, Heb. xiii. 17 begins thus: "Obey your prelates and be subject to them." And in the first edition of that version, a long explanatory note is appended, of which this is the first part:—"There is nothing more inculcated in the Holy Scriptures, then obedience of the lay people to the priests and prelates of God's Church, in matters of soule, conscience, and religion. Whereof the apostle giveth this reason, because they have the charge of men's soules, and must answer for them: which is an infinite pre-eminence and superiority joyned with burden, and requireth marvelous submission and most obedient subjection of al that be under them and their governement. From this obedience there is no exception nor exemption of kings nor princes, be they never so great. If they have soules, and be Christian

This principle was not adopted by them when flushed with victory, but had been recognised by them when they were an oppressed minority. In November 1558 they had petitioned the queen-regent and Parliament that the prelates and their officers should be allowed to act only as accusers, not as judges, in cases of heresy, and that such cases should be tried by a temporal judge; further, that the accused should be allowed "to explane and interprite his awin mynd and meanyng," and that his explanation should be preferred to the depositions of witnesses, "seing that nane owght to suffer for religioun, that is not found obstinat in his damnable opinioun"; and lastly, that their brethren should not be condemned as heretics, unless convicted, by the clear Word of God, of having erred from that faith which the Holy Spirit witnesseth to be necessary to salvation. If their brethren were so convicted they would not object to them being "punished according to justice," unless by wholesome admonition they could be "reduced to a better mynd."[1]

And so when the Protestants came into power they could hardly be expected to apply a less rigorous rule to their old oppressors than they had proposed for themselves while still in a

men, they must be subject to some bishop, priest, or other prelate. And whatsoever he be (though emperour of all the world) if he take upon him to prescribe and give lawes of religion to the bishops and priests, whom he ought to obey and be subject unto in religion, he shal be damned undoubtedly, except he repent, because he doth against the expresse Word of God and law of nature."

[1] Laing's *Knox*, i. 310, 311.

minority. In the eye of the civil law former heresy had become orthodoxy, and the long-established orthodoxy had become damnable idolatry which ought to be suppressed. The idolaters, however, were to be dealt with more mildly than the heretics had been. They were to be put to death not for mere opinions, but for an overt act of which they had been thrice convicted. For celebrating or hearing mass, death, even for a third offence, was an excessively severe penalty, albeit the legislators regarded the offence as downright idolatry. But it should not be forgotten that in the sixteenth century that penalty was attached to offences which many even now would regard as much less flagrant. The Parliament of James v. had decreed that no one should impugn the pope's authority under pain of death.[1] The governor in council had forbidden the writing or printing of slanderous ballads or books under pain of death and confiscation of movable goods.[2] While Chatelherault was still governor, Parliament had ordained that, as the nobles were being deprived of hunting and hawking, none of the queen's lieges should in future dare to shoot at deer, roe, other wild beasts or fowls, with certain firearms, under pain of death and confiscation of all goods.[3] The queen-regent had forbidden the lieges to disturb the Church service, to threaten the priest, or to eat flesh in Lent under pain of

[1] *Acts of Parliament*, ii. 370. [2] *Supra*, p. 175.
[3] *Acts of Parliament*, ii. 483.

death.[1] Queen Mary, by her proclamation of 25th August 1561, forbade her subjects to trouble or molest, for any cause whatever, any of the servants or persons she had brought with her from France, in word or deed, under pain of death; and the same penalty was to be incurred by those who presumed, privately or openly, "to mak ony alteratioun or innovatioun of the state of religioun, or attempt ony thing aganis the forme," which she found publicly and universally standing when she returned from France.[2]

The religion which Mary found standing, and which by her proclamation she thus took for a time under her protection, was the religion of Knox and of the 1560 *Confession of Faith*—a religion of which she certainly did not approve, but heartily hated. The professed object of this proclamation was to prevent the tumults and sedition, which might be caused by any sudden alteration or innovation, before she and her Parlia-

[1] M'Crie's *Knox*, 1855, pp. 359, 360; Robertson's *Statuta*, i. p. clvii.—A somewhat similar proclamation regarding Lent had been issued in the reign of James v. (Sadler's *State Papers*, 1809, i. 47, 48). That death was actually inflicted for eating flesh in Lent is affirmed by Knox and Foxe (Laing's *Knox*, i. 117, 525), and by Pitscottie (Scot. Text Soc. ed., ii. 53). In his "New Yere Gift to the Quene," when she first came home, Alexander Scott says: "And quha eit flesch on Fridayis was fyre-fangit" (Hailes' *Ancient Scottish Poems*, 1770, p. 196).

[2] *Register of the Privy Council*, i. 266, 267.—Even in the nineteenth century robbery was by the law of Scotland punishable by death; as was also theft if aggravated by two previous convictions or by the culprit's social position (Erskine's *Institutes of the Law of Scotland*, 1812, pp. 845-847). In the days of William the Lion a man was not to be hanged for stealing less than two sheep worth sixteen pence apiece (*Acts of Parliament*, i. 375).

ment were able to settle peacefully "the differens in materis of religioun." It is noteworthy that the mass-mongers who were prosecuted during her personal reign in Scotland were prosecuted, as far as the extant records show, not for the breach of the Act of Parliament of 1560 penalising the mass, but for the breach of this proclamation, in which there is no mention of mass or sacraments. The reason for this procedure doubtless was that the queen had sanctioned this proclamation but had never ratified the Act of Parliament.

The most outstanding of these prosecutions was on 19th May 1563. Though she did not shrink from reissuing the proclamation over and over again, she was by no means eager to put it in force against her co-religionists; but at the preceding Easter they had been so audacious in the west of Scotland that the Protestants resolved to take the administration of the law into their own hands, and to avert such a danger she consented to a prosecution. Archbishop Hamilton and a number of the old clergy were charged with having, in the kirk, the kirkyard, and the abbey of Paisley, openly taken auricular confession, and with having ministered and abused, "irreverentlie and indecentlie, the sacramentis of Haly Kirk, namlie, the sacramentis of the body and blood of our Lord Jesus, utherwyis and efter ane uther ordour nor the publict and generall ordour of this realme wes the tyme of the quenis majesteis arryvel." The archbishop was warded for a short time in Edinburgh

Castle, but found substantial surety that he would not again contravene the proclamation. Another set of culprits, accompanied by two hundred armed men, had similarly abused the sacraments at Kirkoswald and Maybole. Other delinquents had transgressed at Congilton, Rosdew, Renfrew, Garscadden, Halket, Glasgow, Provan, Cathcart, Rutherglen, Neilston, Sanquhar, Barskeoch, Blairwhinochy, and Cambuskeith.[1] The queen's proclamation differed from the Act of Parliament in having no gradation of penalties. Its one penalty was death; and that was to be inflicted "with all rigour, to the exemple of utheris." Nevertheless, eight of the transgressors were discharged by the queen on finding caution that they would not again contravene; many were pardoned by her; and none seems to have suffered more than imprisonment, though some of them had aggravated their offence by committing it in parish churches.

There had been previous prosecutions under the same proclamation, such as that of Mr. William Balfour for reviling "the holy communion" and for interrupting a service in the church of St. Giles;[2] and that of Sir James Arthur for baptising children after "the fassion of the Papistry," and

[1] Pitcairn's *Criminal Trials*, i. 427*–430*; Fleming's *Mary Queen of Scots*, pp. 374–376.

[2] Pitcairn's *Criminal Trials*, i. 416*–418.*—Hearing some gentlemen speak of the Lord's Supper, Balfour exclaimed in presence of a great multitude: "Is that your Communioun? The devill birst me quhen evir it cumis in my belly! and the devill birst thame in quhais belly it cumis, for it is ane verray devill."

for marrying a couple in "the ald and abhominabill Papist maner."[1]

And under it, in October 1563, thirteen men and nine women were charged with hearing mass in the royal chapel of Holyrood-house in the preceding August, when the queen was in the south-west of Scotland. These men and women were not members of the royal household;[2] and it seems to have been understood that the prohibition against molesting the queen's servants, or other persons who had accompanied her from France, implied that they and they only should be allowed to attend her mass.[3] Some were of opinion that even her domestics were not entitled to have mass in her absence, and for acting on this opinion two or three of the Protestants were at this time charged with breaking the proclamation.[4]

Many of the more zealous laymen, as well as preachers, were convinced that the mass was so displeasing to God that the queen should not be allowed to have it even in her private chapel; and not a few of them had been anxious to prevent by force her first mass at Holyrood. That celebration, and the counter-demonstration which it provoked, preceded the proclamation of 25th

[1] Pitcairn's *Criminal Trials*, i. 420.*—The couple had not been thrice proclaimed in the church; and what was worse, the man had promised to marry another woman, and the woman had promised to marry another man.

[2] *Ibid.* i. 435.*

[3] Bain's *Calendar of Scottish Papers*, i. 569.

[4] Laing's *Knox*, ii. 393, 394.—It was in connection with their trial that Knox had to appear before the privy council (*ibid.* ii. 394–412).

August 1561 by only one day.[1] Bishop Lesley, after condemning that proclamation, says: "Yet the clemency of the heretic nobles must not be left unmentioned, since at that time *they exiled few Catholics on the score of religion, imprisoned fewer, and put none to death.*"

In 1561, and again in 1564, some of the leading statesmen and some of the principal preachers formally discussed the question, whether the queen's mass should be suppressed. Knox maintained that, by God's express commandment, idolatry ought not only to be suppressed, but the idolater should die the death. Lethington admitted that it was commanded to put idolaters to death, but argued that the people had no right to punish their king though he were an idolater. Wynram and John Douglas acknowledged that the queen's mass was idolatry, but were not yet "resolved" whether it might be taken from her by force. Others held that to deprive her of it would be doing her no more wrong than if they were by force to take a poisoned cup from her when she was going to drink it.[3]

The general assembly had no doubt that the

[1] Fleming's *Mary Queen of Scots*, pp. 46–51.

[2] The clauses which I have italicised were unwarrantably rendered by Father Dalrymple: "Sum Catholickis for the religioune tha punist with exile, sum with prisoune, and verie few with death." Lesley's own words are: "Paucos Catholicos de religionis re mulctarint exilio, pauciores carcere, morte nullos" (Dalrymple's *Lesley*, ii. 463; *De Origine*, 1675, p. 537).

[3] Laing's *Knox*, ii. 291, 292, 423–461; Calderwood's *History*, ii. 157, 250–280.

mass ought to be put down. In December 1560 it desired Parliament and the privy council to mete out sharp punishment to those in Nithsdale and Galloway, in Fife and Ayrshire, in East Lothian and Ettrick Forest, who caused it to be said and were present thereat.[1] In July 1562 it supplicated the queen that punishment should be inflicted upon "the transgressors of the last proclamatioun made aganis masse mongers or heirars."[2] In December 1563 it complained that mass was being said in various places, whereupon the justice-clerk promised to take action if authentic information were lodged with him.[3] In June 1564, it appointed commissioners to present certain articles to the lords of privy council, and to reason thereupon with them. In the first article it was desired that Christ's religion should be *de novo* established, ratified and approved, and that all idolatry, especially the mass, should be abolished, "so that no uther face of religioun be permittit or thoild to be erected." The earls of Murray, Argyll, and Glencairn were present, and so was Lethington. They had been sent to the assembly by the queen "to know what things was proponit therin." They summarised the articles under two heads, and laid these before

[1] *Booke of the Universall Kirk*, i. 6.

[2] *Ibid.* i. 19.—"The last proclamatioun" had been made on the 1st of the preceding June, and was practically a reiteration of the previous one with additional clauses urging its observance by all classes (Bain's *Calendar of Scottish Papers*, i. 630; *Register of Privy Council*, i. 208, 209).

[3] *Booke of the Universall Kirk*, i. 40.

her majesty; and afterwards promised in her name "the accomplishment of the saids desyres."[1]

According to Randolph, on the 14th of the following December, Parliament concluded that whosoever hears mass—the queen and those of her house excepted—should forfeit lands and goods, and life too if the prince thought fit.[2] This Act, which does not appear in the extant official records of that Parliament, probably resembled the proclamation of 25th August 1561 rather than the Act of 24th August 1560. Eleven days after the date given by Randolph for this new Act, the general assembly humbly required the lords of privy council to signify to the queen that "the transgressours of the proclamatiouns past against the heirars and sayers of messe, together with the abusers of the sacraments, are now so common that it may be greatlie feared that judgements sall suddenly follow, except remeid be provydit in tyme."[3] The queen was so far from providing a remedy that, next March, Randolph reported that recently "as great numbers have repayred to her chappel to hear masse as sometymes come to the common churches to the sermonde."[4] While she was in Fife, a priest said mass daily to her household at Holyrood, and so many resorted

[1] *Booke of the Universall Kirk*, i. 47, 48.—When the queen's promise was declared to the assembly all the members present thanked God and the queen, and asked the lords reciprocally to convey to her their promise of dutiful obedience, love and submission.

[2] Bain's *Calendar*, ii. 100.

[3] *Booke of the Universall Kirk*, i. 53.

[4] Wright's *Elizabeth*, 1838, i. 189.

to it that "the godly were offended and consulted how to remedy it." Some wished to hang the priest; others would have forbidden outsiders to attend; "the wiser sort" sent a message to the queen. She returned on the Saturday, and those who came to the gates next day at her mass-time were denied admittance.[1] On Palm Sunday (15th April) when she was in Stirling,[2] a priest, Sir James Tarbot, was arrested in Edinburgh for saying mass in the Cowgate. Two of his hearers were thrown into prison and their goods confiscated. Sir James, arrayed in his vestments, was set upon the market cross—one account says with the chalice bound in his hand—and was pelted with eggs. The queen seems to have understood that he had been killed; and she was so highly moved by "the unjust report" which reached her that the town council sent the provost, two of the bailies, and forty of the neighbours to Stirling, "for metigating of hir majestie."[3]

[1] Bain's *Calendar of Scottish Papers*, ii. 138.

[2] The queen spent that Easter at Stirling. In Randolph's words: "Greater triumphe ther was never in anye tyme of moste Poperie than was thys Easter, at the resurrection and at her hye masse. Orgaynes was wonte to be the commen musycke; she wanted nowe nether trompet, drumme, nor fyffe, bagge-pype, nor taber" (*ibid.* ii. 148). In other towns as well as Stirling, miscellaneous music was occasionally used in worship. The minister and reader of Dumfries having declined to conduct a service on Christmas day 1574, the inhabitants "brought a reader of their own with tabron and whisle, and caused him read the prayers; which exercise they used all the days of Yuile" (*Booke of the Universall Kirk*, i. 334).

[3] *Extracts from Burgh Records of Edinburgh*, 1557–1571, pp. 195, 196; Laing's *Knox*, ii. 476–478; Bain's *Calendar*, ii. 145, 148–150; *Foreign Calendar, Elizabeth*, vii. 340, 341, 346.—This was not the first time that

Two months later (26th June 1565) the general assembly suggested to the queen that she and her Parliament should provide for the abolition of the mass, with all papistry and idolatry and papal jurisdictions, throughout the whole realm, not only in her subjects but in her own person, and for the punishment of the transgressors; and that "the sincere word of God and his true religioun now presentlie receivit" might be established, approved, and ratified, throughout the whole realm, as well in her person as in her subjects; and that the people "be astricted to resort, upon the Sondayes at least, unto the prayers and preaching of God's word" as they had previously been to the mass.[1] The assembly was doubtless encouraged to take this step by the promise which the queen had made at Stirling in May, in view of her marriage with Darnley.[2] That marriage was celebrated on the 29th of July, and her answers to the assembly were apparently ready by that date.[3] In them she said that she was not yet persuaded in the religion now professed, nor that there was any impiety in the mass, and that she therefore believed that her loving subjects would

the Edinburgh magistrates had grievously offended her majesty by their enmity to the mass and to obstinate Papists (Laing's *Knox*, ii. 289, 290).

[1] *Booke of the Universall Kirk*, i. 59.

[2] The promise she made at Stirling is referred to in her proclamation of 15th September (*Register of Privy Council*, i. 372); and its substance was said to be that in her first Parliament she would establish the true religion and abolish Papistry (Bain's *Calandar*, ii. 682; Wodrow's *Biographical Collections*, Maitland Club, i. 329).

[3] Fleming's *Mary Queen of Scots*, p. 352.

not press her to receive any religion against her conscience; and, to deal plainly, she would not leave the religion in which she had been brought up, and which she believed to be well grounded; and she prayed them not to press her conscience, as she neither had pressed nor meant to press any man's. As for establishing religion, she replied that, when the Three Estates of Parliament agreed among themselves, she would "grant the same to them," and always make them sure that no man should be troubled for using religion according to his conscience, or have cause to fear that life or heritage should be in hazard for religion.[1] The tolerant tone of these answers would have been more convincing and praiseworthy if she had not been playing a double game that summer. While striving by proclamations and otherwise to allay the fears of her Protestant subjects, she was entreating Philip of Spain to help her to crush them, and was assuring the pope of her unwavering zeal.[2]

Her co-religionists were emboldened by her predilection, and unstable and temporising Protestants allured perhaps by her fascination. Writing from Berwick, the Earl of Bedford reported (18th August 1565): "The quene getteth as many to her masse, and never was there so many as now

[1] *Booke of the Universall Kirk*, i. 67, 68.—For the assembly's answers to her's, see *ibid.* i. 68–71.

[2] Fleming's *Mary Queen of Scots*, pp. 108, 110, 122–124.

there were at it on Sondaye last."[1] Next February, Randolph learned that it had been proposed in the privy council to have mass in St. Giles', but he believed this "was rather to tempt men's minds than intended";[2] and at the same time Bedford heard that many masses had been said of late in private houses, as well in the inland country as near the Border.[3] The most precise account of the progress which the mass had made in Scotland was furnished by Roch Mamerot, a Dominican Friar, a Frenchman, who had been Mary's preacher and confessor. Five weeks after she was sent to Loch Leven he arrived in London, and there he told Guzman de Silva, the Spanish ambassador, that, in the church at Edinburgh which she attended, 12,600 people had communicated during the preceding Lent (12th February 1566–67 to 29th March 1567). He said that he knew this because he had taken account of them.[4] Such a man had exceptional means of knowing the real state of matters, as far at least as the queen's own chapel was concerned; and, unless he exaggerated very wildly, there had been an astonishing change in six years, for, before her return, "Papistis wer so confounded that none within the realme durst more avow the hearing

[1] Stevenson's *Selections from Unpublished Manuscripts*, Maitland Club, p. 128.

[2] *Ibid.* p. 153.

[3] *Ibid.* p. 155.—It was at this time that Mary was believed to have been invited at least to join the Papal League for the overthrow of Protestantism (*ibid.* pp. 152, 153, 159).

[4] *Spanish Calendar, Elizabeth*, i. 663.

or saying of messe than the theavis of Lyddesdaill durst avow thair stowth in presence of ane upryght judge."[1]

A number of articles were approved by the general assembly on the 25th of July 1567, and were "subscribed first be the nobility, and after be the barons, superintendents, and commissioners of towns." The first article refers to the Parliament of 1560 as having been "authorized with her hienes' awin power and commission"; and the subscribers willed that the Acts made in that Parliament—establishing the religion then universally received within the realm, and abolishing all papistry, idolatry, and especially the mass—should be put in execution as public laws, and that the transgressors thereof should be punished according to the same without exception; and promised to maintain and defend that Parliament, "in all things concerning the religioun," in the first Parliament that should be held, and at all other convenient times. In the last article the subscribers faithfully promised, in the presence of God, to convene with their power and forces, to root out, destroy and utterly subvert all monuments of idolatry, and mainly the odious, blasphemous mass, without exception of place or persons, and, to the uttermost of their power, to remove all idolaters and others that are not admitted to the ministry of the kirk from all function therein; and to set up and establish the

[1] Laing's *Knox*, ii. 265. *Stowth* = theft.

true religion of Jesus Christ throughout the whole realm, by planting superintendents, ministers, and other necessary members of the church; and also to punish idolatry, and all abounding vices, "and cheiflie the murther of the king laitlie comittit"; and in like manner to reform the schools, colleges and universities, expelling the idolaters who had charge thereof, and others who had not yet joined the true Kirk of Christ, and putting in their places faithful instructors, so that the youth should not be infected with poisonous doctrine.[1]

Writing from Edinburgh on the 26th of July, the day after these articles had been approved by the general assembly, Throckmorton says that it is now dissolved until it be reassembled by the king's authority.[2] Three days later, the king, not then fourteen months old, was crowned in the parish church of Stirling, Knox preaching the sermon. The nobles, prelates, commissioners of burghs, and others who were present, thought that "it tendit to Goddis honour" to purge the chapel-royal in Stirling Castle "of all monumentis of ydolatrie or utheris thingis quhatsumevir dedicat to superstitioun," that the pure Word of God might be truly preached and His sacraments rightly and

[1] *Booke of the Universall Kirk*, i. 106–110.—The articles are also recorded, under the same date, in the *Register of Privy Council*, i. 534–537. The subscribers numbered about eighty. Of these two or three certainly knew of the plot against Darnley before it was carried out, and they may have subscribed these articles to avert suspicion.

[2] Stevenson's *Selections*, p. 252.—Throckmorton, who was anxious that this assembly should not meet, had tried, but in vain, to get it prorogued (*ibid.* pp. 207, 240).

sincerely ministered therein; and expressly commanded the Earl of Mar to "caus the said chapell without delay be purgit and reformit in maner and to the effect abonwrittin, quhilk commandiment he dewlie put in executioun, declaring himself ane noble man and a favorar of godlines."[1] Thus a practical beginning was promptly made to carry out the articles, as far as the destruction of the emblems of superstition and idolatry was concerned.

Shocked and dismayed by the St. Bartholomew massacre of the Huguenots, and fearing that the like or worse was intended against Scotch Protestants, a number of barons, gentlemen, and other professors of the Evangel, requested the privy council to provide against the danger. That body in response ordained that by public proclamation all the lieges professing the Evangel should be charged to send commissioners on the 20th of October 1572, to Edinburgh "or quhair my lord

[1] *Acts of Parliament*, iii. 62.—The chapel-royal at Holyrood had already been purged. Mamerot had told De Silva that directly the nobles had Mary in their power they "smashed and destroyed the altar piece of the church where she heard mass and also that of her own oratory" (*Spanish Calendar, Elizabeth*, i. 663). Spottiswoode says nothing about the oratory, but alleges that, "some two days after the queen was committed [to Loch Leven] the Earl of Glencarne, taking with him his domestics only, went to the chapel of Halyrudhouse and demolished the altar, breaking the pictures, and defacing all the ornaments within the same." He adds that the preachers commended this action, "but the other noblemen were not a little displeased, for that he had done it without direction and before they had resolved how to deal with the queen" (*History*, Spot. Soc. ed., ii. 62, 63). Writing to Cecil on the 1st of July, Sir William Drury informed him that the altar of the queen's chapel had been defaced (*Foreign Calendar, Elizabeth*, viii. 269).

regentis grace salbe for the tyme," to advise and deliberate on such "materis and overtures," as might be proposed to him and the privy council "tending to the preventing, resisting, and mutuall defence of the professouris of Christis Evangell within this realme, fra the furious rage and lawles creweltie of the bludy and tressonable Papistis, executouris of the decreis of the said devillische and terrible Counsall of Trent," and also on such other things as might advance God's glory and true religion.[1]

When the appointed day came not a nobleman appeared, but a number of ministers did, and a few commissioners, and some neighbouring lairds from the Lothians, and the laird of Lundie from Fife.[2] Another proclamation had been sent out, charging all and sundry to meet the regent at Jedburgh on the 22nd with twenty days' victuals, to ride upon the Border thieves.[3] This may have affected the attendance, as the regent's mortal illness at Stirling may also have done.[4] Men

[1] *Register of Privy Council*, ii. 168.

[2] Richard Bannatyne's *Memoriales*, Bannatyne Club, p. 276; Calderwood's *History*, iii. 226, 227.—Seven years before this time Randolph described the laird of Lundie as a "grave anciente man, whyte heade, and whyt bearde." When Queen Mary went to his house in February 1564–65, he knelt before her, saying that his house and his lands and his goods were all her's, and that he and his seven sons (as tall men as any man's seven sons in Scotland) would spend their bodies in her service without charge. The only recompense he asked was that she would have no mass while in his house. She asked his reason. He replied that he knew it to be worse than the "mickill devle" (Bain's *Calendar*, ii. 133).

[3] *Diurnal of Occurrents*, p. 316.

[4] The different dates which have been assigned for the Regent Mar's death illustrate the difficulty of achieving chronological accuracy. The

would not know well where to go. Articles however were drawn up "to be proponed in the name of the ministers, barons, and commissioners of kirks, to the regent's grace, nobility and counsell." Though this was not a general assembly, the articles run in the name of "the assemblie of the Kirk convenit at Edinburgh, the 20 of October 1572, according to the proclamatioun." Believing that God had stirred up the Papists against them for their sins, they proposed, in the forefront of their remedies, that there should be a public humiliation with prayer and fasting throughout the whole country, beginning on the 23rd of November and ending on the last day of that month. This humiliation was to be preceded by vigorous dealing with those who were notorious transgressors of the decalogue, so that they might be brought to amendment of life or excluded from the society of the faithful. The lives of ministers, exhorters and readers were to be specially looked into, and lest ministers might appear to conceal their own imperfections, all men were to be required to declare the vices they knew to be in them. The nobles, being "the chieff exampill" of the whole country,

Diurnal (p. 317) gives the 18th of October, and so does the *Historie of James the Sext* (p. 120). Birrel's *Diary* (p. 20) says that he "depairted out of Scotland" on the 28th of October. Sir James Balfour (*Works*, i. 356) says that he died on 28th October. Richard Bannatyne (*Memoriales*, p. 279), Calderwood (*History*, iii. 230), and John Scott (*Appendix Q*) give the 29th October. Killegrew (*Foreign Calendar, Elizabeth*, x. 196) speaks of him as being dangerously ill on the 28th; and his death was known at Windsor on the 3rd of November (*Hatfield Calendar*, ii. 27).

were not to be overlooked. As for the Papists yet remaining in the realm, it was proposed—

"That thai, without all exceptionis of personis, grit or small, salbe chargit, alsweill be the counsall as ministerie, to compeir at certane dayes as salbe appoyntit, before such as the Kirk and counsell shall appoint, to give confessioun of their faith, according to the Acts of Parliament; and such as have nocht recantit, to mak thair publict recantationis; and thai that are excommunicat for that caus, to underly sic injunctiouns as salbe laid to thair charge; and gif any of thame failyies heirin, their haill guids and geir to be confiscat, and thame selffis banist off the cuntrie; and thai that are beneficed personis, thair benefices to vaik, and to be disponit to qualifeit personis; and if thai (being decernit to be banist) be fundin heirefter in the cuntre, it salbe lesum to all the subjectis in this realme to invaid thame and everie ane of thame to the deith, as enemies to God, the king, the Kirk, and the commoun weill of the realme; *and that sic as be convict be the law alreadie, or may be convict, be execute with all rigour*;[1] and all utheris that be excommunicat for ony uther cryme or offence salbe callit lykwayes to particular dyatis, to satisfie the Kirk, or els to incur the lyk panis and punisment as is befoir specifeit; and that thai that resetts and mantenis thame, if after due admonition they desist not from their company, salbe haldin partakaris with thame, and to

[1] The *Diurnal* is the authority for this form of this clause. Richard Bannatyne gives it as—"and that sic as ar convicted may [be] execute with all rigour." Calderwood (*History*, iii. 229) has it—"and that suche as are convicted may be executed with all rigour."

be comptit in the rank of Papistis, to be punist in semblable maner."

It was also desired that, in accordance with the Act of Parliament, those who were known to be Papists, or maintainers or favourers of them, should not be admitted to council or session or other public office; that special steps should be taken to apprehend mass-sayers in Old Aberdeen, Dunkeld, Paisley, and Eglinton; and that the mass-hearers should also underlie the law; that, in the event of an agreement between the king's party and the queen's, only those should be comprehended therein who obliged themselves to maintain the religion against its enemies; that those who had sought bulls or benefices from the pope since the Reformation should be regarded as Papists and punished for the same; and that all those professing the religion who held benefices, and were able to preach, should be charged to fulfil the duties. For resisting foreign Papists it was proposed that the regent and the nobility should enter into a league and confederacy with England and other countries reformed and professing the true religion; and that a solemn band and oath should be made, by which all professing the Evangel in Scotland should bind themselves together, and so be ready on all occasions to resist the enemy; and if anyone was found negligent therein he was to be held as a false brother,

and excommunication was to proceed against him.[1]

Such were the articles of 1572. They are interesting and noteworthy inasmuch as they register the high-water mark of the intolerance of the Reformed Church of Scotland, not the high-water of ordinary or even of spring tides, but of a great tidal wave. The circumstances which evoked them ought not to be forgotten. With those who prepared them, the question was not the same as that which confronted Parliament in 1560 and 1567. It was not merely whether the civil magistrate ought to suppress idolatry and maintain the true religion. It was the much more pressing one—How can cruel and treacherous murder and widespread massacre be warded off? Those who drew up the articles may have lost their heads in the excitement of the moment, and in the appalling horror of the accounts which had reached them from France. That is not to be wondered at, nor is their belief that the danger to Scotland, to religion, to themselves, and to their families, was both real and imminent. Notwithstanding their anxiety and their fears, their proposed plan of campaign was infinitely more merciful than the one which had so recently been put in operation

[1] *Booke of the Universall Kirk*, i. 252–254.—The articles do not appear to have been entered in any of the registers of the Church. The Bannatyne editor of the *Booke of the Universall Kirk* took them from the *Diurnal of Occurrents*, pp. 317–320, and from Calderwood's *History*. Calderwood seems to have followed Richard Bannatyne. *Cf.* with his *Journal of Transactions*, 1806, pp. 406–411, and his *Memoriales*, 1836, pp. 276–279.

in France, and which had received the fervid and cordial approval of the pope.[1]

Let us glance for a moment at the most austere of the articles — the one which I have quoted verbatim. Papists who recanted were not to be punished. Those who had been excommunicated were to have the option of obeying certain injunctions or of forfeiting their goods and suffering banishment. Those who still held benefices were to vacate them. If any who were sentenced to banishment were afterwards found in the country, it was to be lawful for all the subjects to "invaid" them to the death. Those convicted were to be rigorously executed. Others, excommunicated for any crime or offence, were to satisfy the Church or incur the like pains and punishment. Those who harboured them were only to be punished if, after due admonition, they did not abstain from their company.

There is no treachery in this scheme. It is plain and above-board. And the most repellent feature to the modern mind—the giving power to the subjects to "invaid" to the death—was applicable only to those who might be found in the country after being sentenced to banishment. A century later Sir George Mackenzie states that "it is most ordinary for a man, who is guilty of a crime, to obliedge himself never to return to Scotland under the pain of death."[2] The obvious

[1] Baird's *Rise of the Huguenots*, 1880, ii. 530–535.

[2] *Laws and Customs of Scotland in Matters Criminal*, 1678, p. 558.

object of such an obligation was not to provide an opportunity of putting the malefactor to death, but to prevent his return by the severity of the impending penalty. Even so, the proposal of the articles that it should be lawful for the subjects to put to death banished Papists who came back was evidently designed to terrify them from returning. The recent suggestion that the Protestants of Scotland wished to have a Bartholomew of their own is supremely absurd.

The public fast was duly held at the time suggested.[1] But no special action seems to have been taken by the privy council, to whom the articles were "to be proponed," save perhaps the exaction of a promise from the three Balfours—Sir James of Pittendreich, Gilbert of Westray, and Robert. They, on the 8th of the following January, after receiving pardon in the king's name for their treason, gave confession of their faith, and promised to continue in the profession of the true religion, and to maintain, fortify, and assist, to the uttermost of their power, the true preachers and professors of Christ's religion against all its enemies or "ganestandaris," of whatever nation, estate, or degree, who had bound themselves, or were assisting, to execute the decrees of the Council of Trent

[1] When Knox was dying, he refused to take any meat on the 16th of November, "thinking it had beine the first Sonday of the fast," until it was explained to him that it was not (R. Bannatyne's *Memoriales*, p. 283). Many called to see him on "Sonday the 23 day, which was the first Sonday of the fast" (*ibid.* p. 287).

against the preachers and true professors of the Word of God.[1]

On the 26th of January, Parliament, considering that it was both godly and expedient that all the king's subjects should "worschip the only trew God in the uniformitie of religioun," ordained that the Protestant clergy should note the names of all suspected Papists and non-communicants, and admonish them according to the order of the Kirk. Those outwith the realm were to receive sixty days' warning, to recant their Papistical errors, give confession of their faith "according to the forme approvit" by Parliament, participate in the sacraments, and submit to the discipline of the true Kirk within a reasonable time under pain of excommunication. The lawful archbishops, bishops, superintendents, and commissioners[2] were to give the king and regent, before the 1st of June, the names of the disobedient, obstinate, or relapsed persons in order that they might be printed and published. Such persons were to be debarred from acting as witnesses or jurymen against any professing the true religion, until they obtained a certificate of their reconciliation to the Church; and those of them who were judges, members of court, officers, or procurators, if declined on this

[1] *Register of the Privy Council*, ii. 174.

[2] The archbishops and bishops (tulchans) failing to give in the lists of names were to forfeit to the king a year's stipend; the superintendents and commissioners were not only to lose a year's salary, but were to be supplanted in office by others more diligent.

ground, could neither proceed to nor be heard in judgment.[1]

By another Act passed on the same day, it was provided that every person pretending (or claiming) to be a minister of God's Word and sacraments, or to have any benefice, or the use of the fruits, pension, or portion forth of a benefice, who was not already under the discipline of the true Church and participated not in the sacraments thereof, should give his assent to and "subscrive the Articklis of Religioun [*i.e. The Confession of Faith* of 1560] contenit in the Actis of our soverane lordis Parliament," and should acknowledge by oath the king's authority, or be deprived, and all his ecclesiastical promotions and living should be vacant as if he were dead. It further provided that any "persoun ecclesiasticall," or anyone having an "ecclesiasticall leving," who wilfully maintained any doctrine repugnant to any of the said Articles, and who persisted therein after being dealt with, might be justly deprived of his ecclesiastical living. "Archebischoppis, bischoppis, superintendentis, possessouris or titularis of prelattis," were to be dealt with by the general assembly; and all inferior persons, by "the archebischoppis,

[1] *Acts of Parliament*, iii. 71, 72.—The title of this Act is, "Anent the trew and haly Kirk." It begins by ratifying the Act of 20th December 1567 entitled—"Anent the trew and haly Kirk, and of thame that ar declarit not to be of the samin." And that Act of 1567—"becaus of sum defectioun and informalitie of wordis in default of the prentair"—was again ratified in 1579, and reinserted in the records of Parliament (*ibid.* iii. 137).

bischoppis, superintendentis, or commissionaris of the dioceis or provinces" in which they dwelt.[1]

It was also ordained that no one should be reputed a loyal and faithful subject of the king, but be punishable as a rebel, who did not give confession of his faith and profess the true religion; and that those professors who had made defection from the obedience due to the king should be admonished, by the pastors and ministers of the Kirk, to acknowledge their offence and return to their obedience; and, if they failed therein, they were to be excommunicated and secluded from the society of the Church as rebellious and corrupt members before the 1st of June next to come. Before those who had made defection could be received again into the king's favour they were to give confession of their faith anew, promise to continue in the same, to maintain the king's authority, and to the utmost of their power, to fortify, assist, and maintain the true preachers and professors of Christ's religion against all its enemies of whatever nation, estate, or degree, who had bound themselves, or were assisting, to execute the decrees

[1] *Acts of Parliament*, iii. 72.—This Act is entitled, "That the adversareis of Christis Evangell sall not injoy the patrimonie of the Kirk." It proceeds on the preamble that "the conservatioun and purgatioun of the religioun cheifly pertenis to the Christiane and godly kingis, princes, rewlaris and magistratis, and that it is maist requisit that the Kirk within this realme be servit be godly persounis of sound religioun obedient to the authoritie of the kingis majestie our soverane lord."

of the Council of Trent against these preachers and professors.[1]

Another Act proceeds on the narrative that, notwithstanding the Act of 24th August 1560, re-enacted in December 1567, annulling the pope's authority in Scotland and forbidding the subjects to sue or ask, from him or his see, title or right to anything in this realm, several persons had wickedly purchased the pope's bulls, dispensations, letters, and privileges at Rome, or caused counterfeit the same in Flanders or elsewhere, with antedates; and others had purchased or counterfeited gifts and provisions, with antedates or blanks, as made by Queen Mary, in order to enjoy benefices or pensions after the death of the present possessors, and thereby defraud the king of his right and patronage, and the qualified persons professing the true religion of the livings on which they should be sustained. It was therefore ordained that all persons suspected of having such documents should be called on to produce them personally, that if lawful and valid they should be marked as such, but if they were found to have been purchased in Rome since the 24th of August 1560, or counterfeit, or antedated, or purchased blank since then, they were to be declared null and invalid; as were also those belonging to the persons who, when

[1] *Acts of Parliament*, iii. 72, 73.—This Act is entitled, "Anent the disobedients quhilkis salbe ressavit to our soverane lordis mercy and pardoun." The closing part of it is in almost the same terms as the submission of the three Balfours.

charged to appear for production, failed to do so.[1]

By another Act it was ordained that letters should be directed by the lords of council against all those who for forty days had been excommunicated by order of the true Reformed Kirk within this realm, charging them to satisfy the sentence of decreet, to reconcile themselves to the Kirk, and submit to the discipline thereof under pain of rebellion. If they failed to comply they were to be put to the horn, and letters of caption and other executorials were to pass thereon, as was done in the reign of James v. to those who sustained "the proces of cursing" beyond forty days.[2]

If the articles of 20th October 1572 bore any legislative fruit, that fruit is to be seen in these Acts of the Parliament held in January 1572-73; and these Acts would have run on very different lines had Parliament entertained any bloodthirsty

[1] *Acts of Parliament*, iii. 75*, 76*. — This Act is grossly misrepresented in Hunter Blair's *Bellesheim* (iii. 234), where it is summarised as "one commanding the apprehension of all persons who were found to have in their possession papal bulls or dispensations, either antedated or blank, or 'gifts and provisions of benefices.'" Not only is the substance of the Act misrepresented in this summary, but neither the word "apprehension" nor its equivalent is in the Act. So late at least as 1566 influence had been used at Rome to secure commendatorships for men who were not qualified. In October of that year, Cardinal Santa Croce proposed some one for an abbacy in Scotland, but the pope objected to the nominee because he had not worn the habit the necessary time, and also because he was the son of a priest by a prostitute (Maziere Brady's *Episcopal Succession*, ii. 334).

[2] *Acts of Parliament*, iii. 76*.—The civil penalties thus attached to excommunication from the Reformed Church of Scotland were not abolished until 1690 (*ibid.* ix. 199).

feelings towards the Papists, or wished to encourage the populace to "invaid" them to the death. That Scotch Protestants did not treat their Roman Catholic fellow-countrymen in a bloodthirsty manner is proved by two outstanding facts, namely, that even in the very crisis of the Reformation when feeling ran so high, and in the period which immediately succeeded it, not one was executed; and that, during the first half century after the old Church was overthrown, it does not appear that more than two, possibly only one, suffered death judicially for religion.

Archbishop Hamilton was executed, not for saying mass, but for political crimes. He had been condemned for treason on the 19th of August 1568 by Parliament,[1] and fell into the power of the Regent Lennox, when Dumbarton Castle was captured on the 2nd of April 1571. He was taken to Stirling Castle on the 4th of April, was hurriedly tried, and was hanged at the market cross on the 7th "as the bell struik at 6 houris at evin." He was charged with (1) Darnley's murder, (2) the Regent Murray's murder, (3) conspiring to take Stirling Castle and the infant king, and (4) lying in wait for the Regent Lennox.[2] To prove the

[1] *Acts of Parliament*, iii. 54.—This was on the seventh anniversary of Queen Mary's landing at Leith. She had been crowned on the thirtieth anniversary of Flodden, and her infant son had been crowned on the second anniversary of her marriage with his father.

[2] He denied all the four points. But a contemporary, who evidently was present, says that although he denied complicity in the Regent Murray's death at the beginning, "yit upoun the skaffald, betuix fyve and sex houris efternone, *he confessit that he knew not onlie the regentis*

first charge, Sir Thomas Robeson, a priest who had been schoolmaster at Paisley, was produced. He declared that he had heard the confession of John Hamilton, called Black John, when he was dying. This Black John had been a servant to the archbishop, and in his confession had said that the thing which most troubled his conscience was that he had been present at Darnley's murder and that he was there by the archbishop's command. The priest deponed this upon his conscience; and, when brought into the archbishop's presence, reaffirmed the statement. The archbishop denied its truth, and alleged that the priest sinned deadly in this, and offended in revealing confession.[1]

murthour and stopit it nocht (as he mycht have done gif he haid pleasd). bot also that he furtherit the committing of the same, off the quhilk he repentit and askit God mercie. And being farder accusit, gif any of his surname or freindis wes upoun the counsall thairof, he ansuerit that he wald accuse na man at that tyme bot himself" (*Diurnal of Occurrents*, pp. 204. 205). Father Hunter Blair, after quoting that part of the passage which I have italicised, says: "But there is no contemporary evidence whatever in corroboration of this statement" (Bellesheim's *History of the Catholic Church of Scotland*, 1889, iii. 215). Though he has overlooked it, there is contemporary corroborative evidence. Richard Bannatyne says that "he confessit the regentis murther" (*Memoriales*, 1836, p. 104.) Another contemporary relates that, concerning Murray's murder, he answered, "that he not onlie knew tharof, and wald not stop it, bot rather furtherit the doing tharof, whilk he repentit, and askit God mearcie for the same" (*Historie and Life of King James the Sext*, Bannatyne Club, p. 71). Pitscottie says, "he confessit at his depairting that he was upone the regentis slauchter, bot as he alledgit he knew nothing of the kingis [*i.e.* Darnley's] slauchter, bot God knowis the veritie" (*Chronicles*, Scot. Text Soc. ed., ii. 249). Over and above all these, there is John Scott's statement that the archbishop confessed that he was "the cheif auther and devysar" of Murray's murder, and might have saved him had he pleased (*Appendix Q*).

[1] *Diurnal of Occurrents*, p. 204.—This statement is corroborated in all its essential details by the *Historie of King James the Sext* (pp. 71, 72);

George Buchanan tells that, fifteen months or more afterwards (*post autem quindecim aut amplius menses*), this priest was apprehended officiating at mass a third time, and that when brought out for punishment he publicly repeated more fully what he had formerly said. He is believed to have been the first, if not the only, man who was put to death for the mass in Scotland. There may have been another somewhat later, but this is doubtful. In the *Diurnal*, under 1574, this entry occurs: "Upoun the fourt day of Maij thair wes ane preist hangit in Glasgow, callit [*blank*] for saying of mes."[1] As this victim's name is not given, and as Buchanan does not give the precise date of Robeson's execution, it has been supposed that this entry may also refer to him.[2]

It is said that, in 1575, in Banffshire, "a priest who had refused to marry the uncle to the niece was seized by the ruffian and his party, laid upon a faggot, bound to a stone, and in this manner burnt to death." Assuming the story to be true,

and also by George Buchanan (Ruddiman's *Buchanan*, i. 397; Aikman's *Buchanan*, ii. 600). The latter does not give the priest's name, the other two do. The story is also given in the *Historical Memoirs* by Lord Herries (p. 133). That work was abridged and recast by an unidentified person, but its account of Thomas Robeson's evidence cannot be altogether set aside by any one inclined to give credit to Lord Herries, for, regarding the confession, it says, "the particular words are not sett doune by my author," and, of the priest's confronting the archbishop, this phrase is used, "It is said in the originall." Father Hunter Blair's double attempt (Bellesheim's *History*, iii. 215, 230) to discredit Buchanan's account of Father Robeson's conduct is futile.

[1] *Diurnal of Occurrents*, p. 341.

[2] Grub's *Ecclesiastical History of Scotland*, ii. 168, 169.—Even Father Hunter Blair admits the possibility of this (Bellesheim's *History*, iii. 230).

the law-courts were not responsible for the outrage, and the ruffian may have been a Roman Catholic; but the story may be grossly exaggerated or even apocryphal, as it does not appear to have been committed to paper until 1793 or 1794, and oral tradition cannot be trusted for anything that happened so long before.[1]

After James VI. attained his "lauchfull and perfite aige of tuentie-ane yeiris," he passed several Acts against the Papists. By one (in 1587) Jesuits or seminary priests found in the kingdom were to incur the penalty of death and confiscation of their movable goods, and those who willingly and wittingly harboured them for three days and nights were to lose their life-rents. Saying mass and harbouring Jesuits, seminary priests, and trafficking Papists became treason (in 1592), but when the Jesuits and priests satisfied the king and the Kirk the penalties were not to strike against the resetters. Saying mass or resetting Jesuits and trafficking Papists for three nights became punishable (in 1593) by escheat for the first offence, by loss of life-rent for the second, and as treason for the third. And (in 1594) wilful hearers of mass or concealers of the same were to suffer death, and their goods and gear were to be escheated for his majesty's use; while all Papists and those suspected of papistry were to satisfy the presbyteries, failing which they were to be dealt with by the privy council, and if presbyteries were

[1] Old *Statistical Account*, xii. 442.

remiss the negligent ministers were to lose half of that year's stipend.[1] Notwithshanding, or perhaps because of, the sharpness of these Acts there were few prosecutions, and, as far as known, the extreme penalty was enforced only in the following case :—

John Ogilvie, a Jesuit, who had heard confession, granted absolution and said masses at Glasgow, was hanged there on the 28th of February 1615, not for his practices, but for his opinions. Archbishop Spottiswoode recommended that, if he would not ingenuously answer the questions or confess, he should be subjected to the boots or other torture. His reason for recommending this may have been that he believed mischief was intended against the king's life.[2] His majesty gave instructions that "if nothing could be found but that he was a Jesuit, and had said mass, they should banish him the country, and inhibit him to return without license, under pain of death. But if it should appear that he had been a practiser for the stirring up of subjects to rebellion, or did maintain the pope's transcendant power over kings, and refused to take the oath of allegiance, they should leave him to the course of law and justice."[3]

[1] *Acts of Parliament*, iii. 430, 545 ; iv. 17, 62.

[2] *Original Letters Relating to the Ecclesiastical Affairs of Scotland*, Bannatyne Club, ii. 385–391, 400.

[3] Spottiswoode's *History*, iii. 223.—"Ogilvie died for maintaining an erroneous and dangerous opinion regarding the authority of the pope, not for saying mass, or for any direct point of religion. But to punish capitally a mere expression of opinion, given in answer to questions put

No other person is known to have afterwards suffered the extreme penalty of the law in Scotland for saying mass or for papistical opinions; and so the account stands thus: Thomas Robeson and perhaps another suffered death for saying mass, and John Ogilvie for his opinions; whereas twenty-one Protestants were judicially put to death for their religion during the thirty-one years preceding 1559.

The record of England is much heavier on both sides. During the short reign of Mary Tudor (1553–1558) nearly three hundred Protestants were put to death. In four years, says Archdeacon Hardwicke, "as many as two hundred and eighty-eight persons, of all ranks and orders, perished at the stake, the greater part for their abandonment of mediævalism and their adherence to the doctrine of the English Reformation."[1] This is a Protestant estimate. Take a Roman Catholic one. Lingard, after referring to the deductions which he thought should be made, admits that, "after every allowance, it will be found that, in the space of four years, almost two hundred persons perished in the flames for religious opinion; a number at the contemplation of which the mind is struck with horror, and learns

by his judges, was a cruel and wicked act; and the whole proceedings connected with the trial were disgraceful to all concerned, especially to Archbishop Spottiswoode, who took so active a part in them" (Grub's *Ecclesiastical History*, ii. 302).

[1] Hardwick's *History of the Christian Church during the Reformation*, edited by Stubbs, 1883, p. 221.

to bless the legislation of a more tolerant age."[1] The same historian puts the number of his co-religionists who were executed for religion during the long reign of Elizabeth (1558–1603) at a hundred and fifty-six. Of these, he says, one hundred and twenty-four were clergy, and the others, thirty men and two women, were executed as felons "for the crime of harbouring and abetting priests."[2] The first of these victims, Father Woodhouse, did not suffer until 1573, that is, in the fifteenth year of Elizabeth's reign, and three years after the publication of the bull, *Regnans in Excelsis*, in which Pius v. deprived her of her "pretended" right to the crown, absolved her subjects from their allegiance, and pronounced the sentence of anathema against any persons who henceforth presumed to obey her laws or acknowledge her as queen;[3] and only about one-fourth of

[1] Lingard's *History of England*, 1855, v. 239.—Of the atrocities of Mary Tudor's reign, another Roman Catholic, Father Tierney, has blushingly said: "To detail them would be a revolting task: the mind would shudder, the heart sicken, at the recital. Suffice it therefore to say that the persecution continued to rage until the death of Mary. At times, indeed, a momentary suspension of cruelty seemed to indicate the presence of a milder spirit. But the illusion was quickly dissipated. New commissions were issued, new barbarities were enacted, and a monument of infamy was erected, which, even at the distance of three centuries, cannot be regarded without horror" (Dodds' *Church History of England*, 1839, ii. 103).

[2] Lingard's *History*, vi. 258.—Lists of those executed (numbering one hundred and eighty-seven) are in Dodds' *Church History*, 1840, iii. 161–168. *Cf.* Soames' *Elizabethan Religious History*, 1839, pp. 596–599.

[3] Dodds' *Church History*, iii. 12, 14.—Blunt, who puts the number of seminary priests and Jesuits "punished as traitors during the reign of Queen Elizabeth" at "about one hundred and twenty," expresses the opinion that "they in no sense represented the 'ancient Church,' as is so

the victims suffered before the coming of the Spanish Armada in 1588.

The defeat of the Armada gave the staunch Protestants of the east of Fife an unexpected opportunity of showing genuine kindness and charity to a shipful of the tempest-tossed and starving Spaniards, whose arrival in different circumstances they had so long and sorely dreaded.[1] The contrast between the reception of these poor Papists at Anstruther, and the usage which Scotch merchants had received in Spain because of their creed, is a striking illustration of the inherent difference between the two religions, a difference which was to become more manifest as time rolled on.

Besides the Roman Catholics who were put to death, five Anti-Trinitarians were burnt, and five orthodox Protestant Nonconformists were hanged for felony, in England during Elizabeth's reign.[2] The first two of these, Dutch Anabaptists, were

often represented by Roman Catholics, but had in fact given up even their birthright as Englishmen, and had enlisted themselves under a foreign sovereign who prided himself upon being the enemy of the English Church and the English Crown" (*Reformation of the Church of England*, 1896, ii. 458, 459). A pamphlet entitled *Horæ Subsecivæ*, which was published in London in 1664, professes to shew that "no Papist hath been executed in England on the single account of his religion," in the days of Edward VI., Queen Elizabeth, King James, Charles I., or Charles II.

[1] James Melvill's *Autobiography*, Wodrow Society, pp. 261–264.—Had a shipful of militant Lutherans been driven into St. Andrews in Cardinal Betoun's time, they would neither have received hospitality nor have been allowed to depart in peace. Probably few would have escaped the gallows or the stake.

[2] Soames' *Elizabethan Religious History*, p. 595.

burned in Smithfield in 1575. By a letter to Queen Elizabeth, John Foxe, the martyrologist, tried to save them from such a cruel death, but his effort was unavailing. Death by fire, he thought, was a punishment which ought not to be inflicted on heretics by Protestants. Eighty years later, in referring to that double execution, Thomas Fuller thus excused Elizabeth—

"Indeed damnable were their impieties, and she necessitated to this severity, who, having formerly punished some traitors, if now sparing these blasphemers, the world would condemn her, as being more earnest in asserting her own safety than God's honour. Hereupon the writ *de hæretico comburendo* (which for seventeen years had hung only up *in terrorem*) was now taken down and put in execution."[1]

Though, in the nineteenth century, men like Lingard and Tierney regarded with shame and horror the ferocious persecution of the English Protestants under Mary Tudor, the pope, Pius IV., by his legate, Nicolas de Gouda, a Jesuit, in 1562 exhorted Mary Queen of Scots, "in defending her faith to follow the example of Queen Mary of England."[2] Happily for the queen herself, and happily for her country, she did not act on this monstrous advice. She was still under twenty, but she knew much better than the pope and his

[1] Fuller's *Church History of Britain*, 1845, iv. 390.

[2] Father Pollen's *Papal Negotiations*, p. 132; Father Forbes-Leith's *Narratives of Scottish Catholics*, p. 67.

legate how matters stood in Scotland. She knew that if she attempted such a crusade, her Protestant subjects would defend themselves by force of arms; that, if in the contest they were victors, her personal power, perhaps even her reign, would be curtailed, and that if she triumphed, it would only be after having immeasureably weakened her country and ruined her chance of the English succession. This was not the only occasion on which Pius IV. sent his letters and his messengers to Mary in order to recover "the poor scattered sheep" of her realm "to the unity of the one fold and the one shepherd"; and she was prevented from attempting to carry out his suggestions only by the power of the enemies of her religion. So at least she assured his successor.[1]

That successor, Pius V., sent Laureo, the Bishop of Mondovi, as nuncio to Mary in 1566. He took with him 20,000 scudi, which he was to make over to her in five payments. "These moneys, according to the mind of his holiness, were not to be employed in any way for any other end except for that of holy religion."[2] Owing to circumstances, Laureo did not go farther than Paris. There he remained for a considerable

[1] Labanoff's *Recueil*, vii. 9; Nau's *History of Mary Stewart*, edited by Father Stevenson, S.J., p. 191.

[2] Father Pollen's *Papal Negotiations*, pp. 313, 381.—In September 1566 Laureo gave the first instalment (4000 scudi) to Mary's ambassador (*ibid.* p. 287); but promised in November, by the fidelity he owed to God and the pope, that of the remainder not one *soldo* should be spent except "to the most evident advantage of the holy Catholic religion" in Scotland (*ibid.* p. 319).

time, and conducted his negotiations with Mary by letters and special messengers. He learned that "certain persons of weight" believed that peace and obedience would be effectually restored to Scotland if justice were executed against six rebels —"a few seditious wretches"—namely, the earls of Murray, Argyll, and Morton, Maitland of Lethington, Bellenden (the justice-clerk), and Macgill (the clerk-register). Murray and Argyll had been pardoned. The other four had not, but nevertheless were of Darnley's household and in his confidence. Darnley, however, was "so fickle" that the queen would have "no difficulty in persuading him by endearments to consent to this well-deserved act of justice." Thus "the holy Catholic and Roman religion could soon be restored with ease throughout that kingdom, as no leader of faction would remain."[1] The pope "was especially delighted" with Laureo's letter containing this information, and praised much his diligence therein.[2]

His holiness had previously heard that Mary had given a brilliant proof of her zeal by "restoring the due worship of God" throughout her whole realm, and had urged her to go on with the greatest diligence, "weeding out completely the thorns and

[1] Father Pollen's *Papal Negotiations*, pp. 278, 314.

[2] *Ibid.* p. 285.—"Not intending to spare anything in sustaining and defending the cause of God," Henry II. of France, in 1559, eleven days before his death, had determined to send a sufficient force of soldiers to Scotland, and had urged the pope (Paul IV.) to send a representative with the necessary power and authority, so that a criminal chamber might be

tares of heretical pravity," and recalling her people "to the right way of salvation."[1] As a means of accomplishing this pious desire, the execution of the six "seditious wretches" was approved not only by his holiness, but also by the Cardinal of Lorraine (Mary's uncle), Archbishop Betoun (Mary's ambassador in France), William Chisholm (Bishop of Dunblane), and Father Edmund Hay (a Scotch Jesuit), who were of opinion that there was "no more expeditious remedy" for "restoring the holy religion" in Scotland. The cardinal was so convinced of this that he sent one of his gentlemen, "in whom he confided much," to persuade Mary to "execute with a brave heart this most just punishment for God's glory."[2] Chisholm and Father Edmund were also despatched to Scotland, "expressly to persuade her to embrace that most holy enterprise."[3] She, however, would not hear of it, and the Cardinal of Lorraine could only excuse her "by saying that she was a woman."[4]

Unfortunately, the instructions which Laureo received before leaving Rome have not been found, neither have his instructions to Chisholm and Hay,

established. Thus he proposed to resist "the enterprises and the machinations of the said heretics, and to correct, extirpate, and exterminate them with all demonstration of exemplary rigour, and so to cleanse the said realm of infidels, disturbers and enemies of the common good and general peace" (*ibid.* pp. 18, 19).

[1] Pollen's *Papal Negotiations*, pp. 232, 233.

[2] *Ibid.* p. 314.—The plan was also judged necessary "by all good Catholics" (*ibid.* p. 323), who it appears were "all the Catholic *signori*" at Paris (*ibid.* p. 352).

[3] *Ibid.* pp. 319, 370.

[4] *Ibid.* p. 376.

nor their report of their interview with Mary. In a tract, however, which has been assigned to Father Tyrie, and also to Father Thomson, there is an outline of Chisholm's exhortation to her and of her reply. From these it is learned that the object of Laureo's mission was to purge both Scotland and England of heresy, and to restore the Catholic religion in both; and, to induce her to act, the apostolic see offered to contribute a certain sum of money until the heretics were driven out of both kingdoms. Chisholm also informed her that "there were Catholics who would willingly give all their resources and all their energies for such an object," and that "there were also foreign troops, who would help as long as their help was needed." Mary replied that she could not stain her hands with the blood of her subjects, and that Queen Elizabeth regarded her as her lawful heir, and had already sent her tokens of love and goodwill. She was anxious, however, that Laureo should come to Scotland;[1] but to him that did not seem expedient, when he heard of Darnley's murder and the troubles which followed it, and so he returned to Italy.

Laureo finally left Paris on the 10th of April 1567, and Mary married Bothwell on the 15th of May. Between these two dates, namely, on the 19th of April, she, in her Parliament, the last she was to hold, passed an Act, which was a very remarkable Act for a Roman Catholic queen to

[1] Pollen's *Papal Negotiations*, pp. 404–406; Nau's *History of Mary Stewart*, pp. 122, 123.

pass. It cassed, abrogated and annulled all "lawis, actis and constitutionis, canone, civile or municipale, with all uther constitutionis, and practik penale," contrary to the religion which she found "publictlie and universallie standing" at her return from France. Further, it declared that the queen took to herself, and her posterity, all her good subjects "to be under hir sure salfgard, mantenance, protectioun and defence, perpetuallie, aganis quhatsumevir foirane auctorite, pouer, jurisdictioun and persute, be it ecclesiasticall or temporall."[1] The date of this Act may help to explain its motive. Only eighteen months had elapsed since Francis Yaxley, Mary's accredited messenger, had assured Philip of Spain that she and Darnley zealously desired "to establish and reform their kingdom under the Christian religion, and join other Christian princes with that end," and begged his aid.[2]

The spirit of intolerance in the Reformed Church was one of the "dreggis of Papistrie," although not recognised as such. That men brought up, as the leaders of the Reformation had been, under the shadow of the Papacy, were able to rid themselves of so many of its dregs is much more surprising than their retention of this one in a modified form. Their principles were far-reaching, much more so than they realised. The first national step towards toleration, in Scotland, for

[1] *Acts of Parliament*, ii. 548. *Cassed* = made void.
[2] *Spanish Calendar, Elizabeth*, i. 497.

example, was enshrined in the *Confession* of 1560, which declared that general councils might err and had erred in matters of great weight and importance; that the Bible, which was sufficient to make the man of God perfect, derived its authority from God, not from Church or men or angels; and that its interpretation appertained neither to public nor private persons, nor to any Church, but to the Spirit of God by which it was written. The principle underlying that statement was certain, sooner or later, to lead its adherents into the full doctrine of liberty of conscience — sooner rather than later, had it not been for the life and death struggle which Protestantism had so long to wage with its implacable foe, the Papacy, the inveterate enemy of all true liberty, the undisguised opponent of religious toleration save where its own devotees happen to be in a minority.[1] No Protestant church was allowed within the walls of Rome until his holiness lost his temporal power.[2] Popish intoler-

[1] "One of the facts which have been most painfully borne upon the minds of the more careful thinkers and students of the present generation is, how much stronger than our fathers imagined were the reasons which led former legislators to impose restrictive legislation on Catholicism. Measures of the Reformation period which, as lately as the days of Hallam, were regarded by the most enlightened historians as simple persecution, are now seen to have been in a large degree measures of necessary self-defence, or inevitable incidents in a civil war. As a matter of strict right, a Church which is in its own nature, in principle, and in practice persecuting wherever it has the power, cannot, like other religions, claim toleration" (W. E. H. Lecky's *Democracy and Liberty*, 1896, ii. 24).

[2] For a graphic picture of the deplorable condition of Rome in 1864, after so many centuries of papal rule, see Dean Alford's *Letters from Abroad*.

ance is still rampant in such a country as Spain, and is very far from being either dead or dormant in such a possession of Britain as Malta. The spirit as well as the policy of Popery is embodied in the crisp and candid saying of Veuillot: "When you are the masters we claim perfect liberty for ourselves, as your principles require it; when we are the masters we refuse it to you, as it is contrary to our principles."[1]

One of the "dreggis of Papistrie" which long survived in the Reformed Church was a belief in witchcraft.[2] A thirteenth century statute of the Scottish Church ordained that "all fortune-tellers or witches, male and female," should be excommunicated four times a year.[3] In Archbishop Hamilton's *Catechism* it is affirmed that "without dout, all wytches, nigromanceris, and siclike, workis be operatioun of the devil under a paction, condition, band or obligation of service and honour to be made to him." It also explains that, to those who consult him, the devil sometimes shows the verity in small matters, but only with the object of getting credit to his black falsehood in matters of weight concerning their souls; that

[1] Lecky's *Democracy and Liberty*, ii. 20, 21. — "Under Pius IX. the power of the Jesuits enormously increased in the Church, and the whole tendency of the 'Univers' and of its remarkable editor, Louis Veuillot, was to supersede the influence of the bishops by the more direct action of the Jesuits and of the pope" (*ibid.* ii. 18).

[2] Döllinger affirmed that "the whole treatment of witchcraft, as it existed from the thirteenth to the sixteenth century, was partly the direct, partly the indirect, result of the belief in the irrefragable authority of the pope" (*The Pope and the Council*, 1869, p. 249).

[3] Patrick's *Statutes*, p. 26.

sometimes he will help them to recover their worldly goods, but only to the intent that he may cause them to lose the goods of the world to come; and that sometimes he will help them to regain their bodily health that he may bring them to eternal death. True Christians, therefore, should neither use witchcraft nor seek help from witches.[1] In 1563 Mary and her Parliament, for avoiding and putting away "the havy and abominabill superstitioun," used by divers of the lieges in witchcraft, sorcery, and necromancy, and the credence given thereto, forbade, under pain of death, not only the practising of these but the professing to have craft or knowledge therein, and also the seeking of help or responses from such abusers of the people.[2] As far as the extant records show, the prosecutions for witchcraft in Scotland were very much more numerous after the Reformation than before it, but that may be partly due to the paucity of the records.[3] Witches were apparently far more abundant in England than in Scotland, and infinitely more so on the Continent. The number put to death in some Roman Catholic countries is so appalling as to be almost incredible.[4]

Happily the Reformed Church of Scotland was

[1] Hamilton's *Catechism*, Law's edition, pp. 50, 51.

[2] *Acts of Parliament*, ii. 539.

[3] Witchcraft was to be enquired into at the justice-aire (or circuit court held by the king's justiciar) at Jedburgh in 1510 (Pitcairn's *Criminal Trials*, i. 66*). Many witches and warlocks had been burned in Edinburgh in 1479.

[4] *Kirk-Session Register of St Andrews*, ii. pp. lxxix-lxxxi.

not seriously troubled with heresy for a very long time. In the opinion of Alexander Henderson, this immunity was largely due to the authority of its church-courts, and the subordination of the lesser to the greater—the parochial to the presbyterial, the presbyterial to the provincial, and the provincial to the national assembly.

"No heresie or error is sooner hatched, but is either presently spied out and crushed by some of the inferiour assemblies, or if it be kept on foot and gather strength, it is quite suppressed and extinguished in the general assembly, which meeteth once in the year, and never suffereth such bastard births to grow to be one yeare old."[1]

So Henderson wrote in 1641, and in the same paragraph he pointed out that, while the external order, strength, and stedfastness of the Church of Scotland were "lovely and comfortable to all fearing God," they had been "very aweful, and terrible as an army with banners, to all Papists, to all hereticks, schismaticks, hirelings, and all ungodly persons." The metaphor was well chosen. In their tireless zeal the church-courts, especially when supported by the civil authority, were indeed a constant terror to many evil-doers, and also to perverse and plotting Papists, although so very few members of the pope's Kirk suffered martyrdom.

[1] *The Government and Order of the Church of Scotland* 1690, pp. 51, 52.

XIII

CONSEQUENCES—MARRIAGE-LAW REFORM

In their anxiety to foster righteousness and suppress vice the Reformers unhesitatingly and persistently attacked long-standing evils, and swept away hoary hardships and widespread grievances. Among the most pernicious of these must be reckoned the unscriptural regulations concerning marriage and divorce. In the *First Book of Discipline*, it is stated that marriage, "the blessed ordinance of God," hath been so contemned and weakened, "in this cursed Papistrie," that the persons conjoined could never be assured of continuance therein, if the bishops and prelates list to dissolve the same.[1] This was a grave charge, but it was literally true.

In discussing the impediments of marriage recognised in "the pope's Kirk," it is necessary to state that these are of two kinds. The first, known as "mere *impedientia*," render marriage unlawful, but do not nullify it. The other, known as "*dirimentia*," do nullify it. My remarks are to

[1] Laing's *Knox*, ii. 245.

be entirely confined to the latter class, the diriment impediments.

By the canon law the Levitical prohibitions of inter-marriage had been extended until they reached those who were in the seventh degree of consanguinity or affinity. This was found to entail evils so enormous that, in 1215, the Lateran Council annulled the prohibitions beyond the fourth degree. Though relaxed to this extent, the great-great-grand-children of a common ancestor were still forbidden to marry, because they were related in the fourth degree of consanguinity. If they dared to marry, they were deemed guilty of incest, and their children illegitimate. As each degree of consanguinity had its corresponding degree of affinity, a man or woman could not marry any person related to his or her former spouse in the fourth degree of consanguinity; and this affinity, in all its ramifications, was produced by illicit intercourse as well as by marriage.[1]

There was also the impediment of public decorum or public propriety (*publica honestas*). It debarred those who had been merely betrothed from marrying any related within the fourth degree to those whom they had betrothed.[2]

These were not the only bars to marriage. Among the others the most important was spiritual consanguinity—*cognatio spiritualis*—the relation-

[1] *Catholic Dictionary*, pp. 14, 15, 214; *Liber Officialis Sancti Andrec*, pp. xx.–xxv.

[2] *Catholic Dictionary*, p. 435.

ship created by baptism and confirmation. A thirteenth-century synodal statute of Aberdeen "interdicted marriage between god-fathers and god-mothers, and between a son and daughter [of god-parents], and between a god-child male or female and a son or daughter of a god-parent."[1] Another of these Aberdeen statutes orders the laity to be informed that in "the sacrament of confirmation, . . . as in the sacrament of baptism, a spiritual kinship is established between those who are god-parents of the children and those whose children they are, and the children also of those persons."[2] The number of the god-parents in baptism does not appear to have been severely restricted in pre-Reformation days, for in Hamilton's *Catechism* it is said: "The godfatheris and godmotheris layis thair hand apon the barne and sais the Crede and the *Paternoster*, and in sa doing thai represent the hail Kirk of God."[3] Thus a child might have at least four god-parents, and as their number was greater or less, it made a wider or narrower circle of *cognatio spiritualis*.[4]

[1] Patrick's *Statutes*, p. 39.

[2] *Ibid.* p. 32.

[3] Law's *Hamilton's Catechism*, p. 190. *Barne* = child, *hail* = whole.

[4] Even the narrowest circle must usually have been a wide one, if, as Cosmo Innes stated, this relationship "affected not only the relatives within the same degrees, of the *baptizans* and *baptizatus*, but all the connexions within those degrees created by the relation of god-fathers and god-mothers, and the children for whom they stood sponsors, to the same extent as if actually parents and child" (*Liber Officialis Sancti Andree*, p. xxi.); but the wording of the Aberdeen statute led him to doubt whether in Scotland this relationship extended so far (*ibid.* p. xviii.). The Council of Trent (11th November 1563) limited the number of god-parents,

Impelled by its belief in the necessity of baptism, the Latin Church not only permitted the administration of that sacrament by laymen, but in some cases enjoined it. In extremity, if other persons were not available, the father and mother of the child were to baptize it. But here a very serious danger had to be averted. The ordinary rule, creating spiritual consanguinity by baptism, would have prevented the parents of the child continuing their marital relationship; and so the statute considerately provides that, in a case of extremity, the parents could baptize their child "without prejudice to their matrimonial relation."[1]

Among the impediments to marriage were included not merely real consanguinity and spiritual consanguinity, and affinity whether created by marriage or by illicit intercourse or by public decorum, but also two species of quasi-affinity, known respectively as spiritual-affinity and legal-affinity. Spiritual affinity was a logical excrescence of spiritual consanguinity, and "nullified marriage

in baptism, to "one person only, whether male or female, or at most one male and one female"; and confined the spiritual relationship to the god-parents and the person baptized, and the actual parents; and to the person baptizing and the baptized, and the father and mother of the baptized. And the relationship contracted by confirmation was no longer to pass beyond "him who confirms, and the person confirmed, and his father and mother, and him who holdeth him; all impediments resulting from this kind of spiritual relationship between other persons being utterly set aside" (Buckley's *Canons and Decrees of the Council of Trent*, 1851, pp. 182, 183).

[1] Patrick's *Statutes*, pp. 30, 31.—In the *Confession* of 1560, the Papistical Kirk is condemned because, *inter alia*, "thei suffer wemen, whome the Holy Ghost will not suffer to teache in the congregatioun, to baptise" (Laing's *Knox*, ii. 116).

between the widow or widower of the god-parent in baptism and the person baptised or confirmed, and between the widow or widower of the god-parent and either parent of the person confirmed or baptised."[1] As defined in the *Catholic Dictionary*—

"Legal affinity impedes marriage (1) between the adopter and the adopted and his children, so long as these children are under their parent's control; (2) between the adopted and the children of the adopter, so long as they are under their parent's control; (3) between the adopter and the wife of the adopted, as well as between the adopted and the wife of the adopter."[2]

These restrictions brought grist to the mills of Rome, for the pope could and did relax them by dispensations; and dispensations in those days were not to be had for nothing. The rich might procure them; the poor could not pay for them; and the impatient could not wait for them.

Protestants may declaim against the presumption of a Church that dared to extend so far the Levitical prohibitions against intermarriage, and stand aghast at the dispensing power of the pope; but whatever Roman Catholics may think on these matters they cannot say a word against them. Here are two of the canons of the Council of Trent—

[1] *Catholic Dictionary*, p. 15. [2] *Ibid.* p. 215.

"If any one saith, that those degrees only of consanguinity and affinity which are set down in Leviticus can hinder matrimony from being contracted, and dissolve it when contracted; and that the Church cannot dispense in some of those degrees, or establish that others may hinder and dissolve it: let him be anathema.

"If any one saith, that the Church could not establish impediments dissolving marriage; or, that she has erred in establishing them: let him be anathema."[1]

In the Church of Rome a marriage which has been consummated is theoretically indissoluble save by death. A man may divorce his wife or a woman her husband for adultery, but the divorce only extends to table and bed (*a mensa et thoro*). In other words it simply releases the couple from the obligation of living together. The bond of matrimony remains unbroken. Even the aggrieved party is not allowed to marry again while the other is alive. And by a canon of the Council of Trent anathema is denounced against any one who dares to say that the Church has erred in teaching this doctrine.[2]

[1] Schaff's *Creeds of the Greek and Latin Churches*, 1877, pp. 195, 196.—The pope's dispensing power is not unlimited, though, so far as affinity is concerned, there is only "one possible exception." He cannot legalise the marriage of a man with a woman whose mother or daughter had been his wife, nor the marriage of a woman with a man whose father or son had been her husband (*Catholic Dictionary*, p. 15).

[2] Schaff's *Creeds*, p. 196.—"No human power can dissolve the bond of marriage when ratified and consummated between baptised persons." But "if two unbaptised persons have contracted marriage, this marriage, even if consummated, may be dissolved, upposing one of the parties embraces

Out of this seeming *impasse*, however, an easy way was found, which was not only sanctioned by the Church but was carried out by her courts. If a man tired of his wife, or a woman of her husband, all that the repenting partner had to do was to prove that, when they were married, there was some bar of consanguinity or affinity between them which had not been removed by a dispensation. The result was that the marriage was not dissolved, but was declared to have been null and void from the beginning. A divorce of this kind was not precluded by a dispensation, unless it covered either expressly or in general terms the impediment proved. Those who were anxious to make certain that their marriage was perfectly legal took care to get a dispensation so ample that it removed any known or unknown obstacle.

In order to know how this complicated system of restrictions and dispensations worked out in practice, it is not necessary to have recourse to inference or imagination. There is abundant contemporary evidence, direct and unimpeachable, general and particular. Four of the more general statements may be taken first, and it may not be amiss to begin by quoting a sentence from the decree of the Council of Trent touching the reformation of marriage, although in date (11th

the Christian religion and the other refuses to live peaceably and without insult to the Christian religion in the married state" (*Catholic Dictionary*, p. 268).

November 1563) it is slightly posterior to the overthrow of the papacy in Scotland—

"Experience teaches, that, by reason of the multitude of prohibitions, marriages are oftentimes unwittingly contracted in prohibited cases, in which [marriages] either [the parties] continue, not without great sin, or they are dissolved, not without great scandal."[1]

In 1521, John Major said—

"The Scots of the present day find occasion of divorce all too lightly, and the most part of the laity hold it sufficient for the salvation of their souls so long as a divorce be procured in the external forum on the testimony of false witnesses; and thus they draw other women into what is an adulterous connection, believing them to be their lawful wives. They ought in this matter to be instructed by the learned, to the end that they may not violate the law of God concerning marriage, which teaches that whom God hath joined man may not put asunder. If a marriage shall once have been contracted '*per verba de presenti*,' between capable persons, such a tie can for no supervenient cause be undone by any man, pope, or other."[2]

On this, as on so many other matters, Major was "the voice of one crying in the wilderness." Though he lived for nearly thirty years longer, he saw no amendment of the marriage laws, and no

[1] Buckley's *Canons and Decrees of the Council of Trent*, 1851, p. 182.
[2] Constable's *Major*, p. 305.

diminution of divorce cases in the ecclesiastical courts.

In the memorial or information for the extension of the legatine powers of Archbishop Hamilton, drawn up by or for him, and sent to Cardinal Sermoneta, the promoter of the kingdom of Scotland at the Court of Rome, on the 1st of September 1554, it is urged as the special reason—

"That very many subjects of that kingdom [*i.e.* Scotland] are connected with each other by bonds of relationship so near, that one can hardly find a spouse for a man or a woman of an honourable or noble family but is united in some prohibited degree of consanguinity, and for the greater part in the third and fourth degree and the double or multiple third, and in a spiritual relationship. Whence it happens that many (so ever prone to vice are the dispositions of men) contract marriage with their blood relations, without obtaining any dispensation, and promise perhaps to lift (*levare*) dispensations afterwards when they change their minds; or they seek divorces or repudiate their wives, putting forward as a pretext the want of dispensations, and the fact that they do not possess the means (*facultates*) for lifting such difficult (*arduis*) dispensations from the apostolic see; and sometimes contracting parties are disappointed, for two or three years or longer, in making settlements with some officials. Thus through the want of dispensations being ready at the very beginning of the contracts, many inconveniences are caused, and divorces

follow, children become illegitimate, alliances (*affinitates*) are broken up, dissensions arise, and robberies, quarrels, contentions and murders occur; all of which would cease if the power of giving dispensations in these cases were granted to the legate, and every one for his own part could seek due security for the stability of marriage, and get[1] and acquire the same near at hand, and with little trouble and at little expense.

"And, since it would deeply concern the most holy father and the sacrosanct see that the consciences of men should be freed from such snares lest they perish utterly, and that the public peace should be preserved among the subjects of the kingdom, reason seems to carry conviction as to that. But as regards spiritual relationship there is none that does not shudder when he hears of the great sum of money which would have to be paid for such a dispensation; for on this account many are so discouraged that some of them treat that impediment with contempt; while others, quite hardened, either will not or cannot bear such expenses; and some, who would willingly spare no expense for the discharge of their conscience, turn vile, neglecting solicitation for many years and make no movement. In the meantime parties, without any delay or fault of their own, lie under the sin paying money for their excesses, while, if the power of granting dispensations existed in these parts, they might get rid of such snares. At this time, therefore, when these disorders are so frequent among the Scots, powers of this kind would prove not only useful

[1] In the Latin *pareret* appears to be an error for *pararet*.

but necessary for the said kingdom, situated as it were at the end of the world. And whatever privilege his holiness will confer on the said archbishop in the premises, he will take care that it will be seen to redound to the honour of the Christian religion and of the apostolic see."[1]

On the 1st of February 1556-57, Mary of Guise, as queen-regent of Scotland, wrote three letters urging the confirmation of the legateship in Archbishop Hamilton. One of the three was addressed to Pope Paul IV., one to Cardinal Sermoneta, and the third to Cardinal Caraffa. In each she refers to the abounding evils in connection with marriage, and the difficulties of repairing to Rome. In the one to the pope she says—

"We, having undertaken the burden of this commonwealth, rest especially in his (*i.e.* Archbishop Hamilton's) counsel, courage and prudence. We have learned, however, that your holiness has delayed the confirmation of this faculty, until you should be informed from hence whether these things were necessary or not for this kingdom; and we would never think of writing your holiness did we not consider that that was of the greatest importance to this commonwealth, alike for many reasons with which it would be tedious to tire the ears of your holiness, and especially on account of the grievous perils of many souls. For since many marriages, illicit and within the forbidden degrees, are daily contracted between blood relations; and

[1] *Liber Officialis Sancti Andree*, pp. 164, 165.

as, partly on account of the very great distance and dangers of the journey, partly from want, they cannot repair to the holy see for the purpose of seeking this favour, it happens that many wallow in that state, to the grave scandal of the Church and the peril of their own souls. We earnestly beg that your holiness do at length set some limit to this matter, take pity on this Church, and regard with kindly eyes our commonwealth, now tossed and afflicted for so many years, for it appears capable of being recreated principally by this thing alone."[1]

The first of these four quotations proves that the evils flowing from the multiplication of impediments to marriage were widespread in Roman Catholic countries. The other three show how deplorably and disastrously they had affected Scotland. The difficulty of finding suitable partners outside the forbidden degrees was no new thing. As far back as 1353 it was mentioned in a dispensation granted by Innocent VI. in favour of David de Graeme, knight, and Helen Chene, widow of Reginald Chene, knight, of the dioceses respectively of Brechin and St. Andrews; who were related in the fourth degree of

[1] *Liber Officialis Sancti Andree*, pp. xl., xli.—In her letter to Cardinal Sermoneta, when referring to the dangers of a journey to Rome, she speaks of "the wars with which the intervening nations are almost always blazing." To Cardinal Caraffa her phrase is, "as Italy is almost always in the flames of war." The three letters, in their original Latin dress, are in the *Liber Officialis*, pp. xl.–xliii. Hamilton, in his memorial or information, had also referred to the difficulty of the journey to Rome.

consanguinity.[1] Even in those distant days honest men and women had sometimes to apply for dispensations after they were married. Thus it was that John of Mongombro and Ellen More, who did not know that they were related in the fourth degree of consanguinity until after they had been married in face of the Church and had a family, petitioned the pope for a dispensation, as without it they could not remain in their married state. In 1354, Innocent VI. empowered the Bishop of Brechin to give this dispensation; and the children already born, as well as those to be born, were to be considered legitimate.[2]

John Chisholm, Chancellor of the cathedral of Dunblane, requested the pope to empower him to grant dispensations, in order that feuds might be healed and friendships confirmed by the marriage of persons who were within the forbidden degrees, and by their remoteness from Rome were hindered from applying there for dispensations, as otherwise the anticipated peace was frustrated, or the parties married without dispensations, to the danger of their souls and the scandal of the public. Chisholm

[1] Theiner's *Monumenta*, p. 305.—In the reign of James V. the double difficulty of obtaining spouses outwith the forbidden degrees, or dispensations for those within, was widely felt in Morayshire. "In an original dispensation likewise in 1529, it is grievously lamented that in consequence of this 'notable distance,' '*evenit*' that the men of Moray, totally disappointed of marriage dispensations, were either forced to angry and reluctant celibacy, or—'*proh dolor!*'—to general incest with their fair sisterhood, to the ruin of their souls, and of course pure and unblemished descent of their families" (Riddell's *Law and Practice in Scottish Peerages*, 1842, i. 468).

[2] *Registrum Episcopatus Brechinensis*, Bannatyne Club, ii. 395, 396.

received a commission, dated at Rome, 24th June 1534, empowering him to grant dispensations to twenty couples related within the forbidden degrees of consanguinity, or affinity, or spiritual kinship. By the 6th of June 1536, that is, in less than two years, he had disposed of nineteen.[1] Such a fact shows that in Scotland there was a considerable demand for dispensations a quarter of a century before the Reformation.

To illustrate the danger incurred (or, as loose livers may think, the advantage gained) by spiritual kindred marrying without a dispensation this sentence of divorce, pronounced on the 20th of February 1548–49, may be quoted—

"We, John Spittall, Provost of the collegiate church of the blessed Virgin Mary of the Field near Edinburgh, licentiate in both laws, and Rector of the generous University of St. Andrews, Official of St. Andrews principal, in a certain matrimonial cause moved by the honest woman Marjory Forrett —putative spouse of the upright man David Ynglis —pursuer, on the one part against the aforesaid David, defender, on the other part, and still remaining undecided, decern that the pretended marriage, between the saids Marjory and David contracted *de facto* but not *de jure*, was and is null from the beginning, because John Forrett of Fingask, father of the said Marjory putative spouse

[1] Stuart's *Lost Chapter*, 1874, pp. 68, 69.—This John Chisholm, who was so anxious about other people's souls and the scandal of the public, was not, I presume, the John Chisholm who about the same time was Archdeacon of Dunblane, and had an illegitimate son named James. (See *Infra*, p. 562.)

of the said David, raised the same David from the sacred font: therefore, while an impediment of spiritual relationship of this kind stands between the saids Marjory and David, [we decern] that such a pretended marriage contracted *de facto* and not *de jure* is null and void, therefore that the same persons, Marjory and David, are to be divorced *simpliciter*, as we divorce the same from each other, giving to each the power of marrying elsewhere in the Lord. And whatever the one has received from the other [*i.e.* the man from the woman] as gift or dowry, we decern that it must be restored to the same."[1]

The couple in this case, unlike John of Mongombro and Ellen More, did not ask for a dispensation to legalise an existing marriage which by the canon law was incestuous. They may have shuddered when they heard of "the great sum of money which would have to be paid for such a dispensation," because the impediment they had ignored was a spiritual one; or, as is much more likely, Marjory Forrett may have tired of David Inglis, and wished to be in a position to marry another husband legally; and, to accomplish this, all that she had to do was to prove, in the ecclesiastical court, that her father had been David's god-father.[2] According to the canon law, the judg-

[1] *Liber Officialis Sancti Andree*, p. 101.—For the Official's Court, see *supra*, p. 84.

[2] In 1510, James IV. wrote to the Cardinal of Ancona, requesting him to procure a dispensation for Robert Bertoun and Elizabeth Craufurd, who had contracted matrimony, notwithstanding that Gilbert Edmonston, her former husband, had stood god-father to Bertoun's children by his former wife, and that former wife, Elizabeth Jamesoun, had stood god-

ment in her favour was as unimpeachable as if David had actually been her brother. His moral character may have been spotless; but if it had not, and though she had been able to prove adultery against him, the marriage would not on that account have been declared null and void: she would only have obtained a separation, and so would have been unable to marry again while he was alive.

Marjory Forrett was only the daughter of a Fife laird;[1] but those in the very highest ranks of society frequently found themselves entangled in the matrimonial meshes of the canon law; and some of them did not hesitate to utilise its complications in order to get rid of an unloved spouse and be free to take another.

Elizabeth Dunbar, widow of Archibald Douglas, Earl of Murray, who had been slain in a skirmish on the 1st of May 1455, entered into a formal contract of marriage nineteen days afterwards with George, Lord Gordon. By this contract the said George bound himself to procure in all haste a papal dispensation, "in the sickerest fourme of all impediments that appears or may appear betwixt them, sua that they may lauchfully complete the said marriage."[2] The dispensation may not have

mother to Edmonston's children by Elizabeth Craufurd (*Letters and Papers of Henry VIII.*, vol. i. part i. No. 1410).

[1] A Fifeshire lairdship has been described as, "a wee bit land, a lump o' debt, a doucat, and a law-plea."

[2] This contract is printed *in extenso* in the *Spalding Miscellany*, v. 128–131. Some of the stipulations are as suggestive as curious. *Sickerest fourme* = surest or most secure form.

been obtained, or its terms may not have been comprehensive enough, for within a few years they were divorced. Lord George then married the Princess Annabella, one of the daughters of James I. After having a family of sons and daughters by her, he obtained decree of divorce from her on the 24th of July 1471, not for any misconduct on her part, but because she and Elizabeth Dunbar had been related in the third and fourth degrees of consanguinity, and consequently the said Lord George and the Princess Annabella were mutually related in the like third and fourth degrees of affinity. Twenty-five days after this sentence of divorce was pronounced, the banns of marriage were proclaimed between Lord George (who by this time was second Earl of Huntly) and Elizabeth Hay, daughter of the Earl of Errol. Her brother, however, took care that she should not be liable to divorce for any canonical impediment, and so the marriage was delayed for several years.[1]

The uncertainty of marriage under the canon law is strikingly illustrated by the marriage contract between George, fourth Earl of Huntly, and Elizabeth Keith, sister of William, Earl Marischal, dated 27th March 1530. Both earls were still minors; and so Gavin Dunbar, Bishop of Aberdeen, is a party to the contract, as a curator of both Huntly and Marischal; and George Crichton, Bishop of Dunkeld, is also a party as a curator

[1] Riddell's *Tracts, Legal and Historical*, 1835, pp. 83–87; Stuart's *Lost Chapter*, pp. 80–82

of Marischal. These ecclesiastics knew well the opportunities for trickery, fraud, deceit, and perfidy, which lurked under the rigid rules of the canon law; and in this contract provision is made for probable emergencies. The marriage was to be completed and solemnised "in face of Hali Kirk," as soon as "ane dispensatioun may be gottin of the papis halynes," "for impediments of consanguinite or uthiris causs standing betuix the said George and Elizabeth." If, after the marriage was so completed, any cause of divorce or impediment was discovered why they might "nocht lauchfully remane togidder in mariage," Huntly, as often as any such cause or impediment occurred, was to send to the Court of Rome, with all possible diligence, for new dispensations to confirm their marriage and to legitimate their children. Pending the arrival of these new dispensations, Huntly was to "move na caus of divorce to part fra the said Elizabeth;" but was to abide their arrival, and use them really and actually, "the said Elizabeth being reddy thairto." Further, should they happen "to be divorcit and partit be autorite of the Kirk law," Huntly was to procure sufficient dispensations whereby they might marry again; and was to use these dispensations and contract marriage again, so that Elizabeth should be his lawful wife and their children legitimate, "providing allway that the said Elizabeth be reddy thairto." In the event of them being divorced "in thair liftyme," if Huntly, through his blame and default, did not lawfully

contract marriage with her again by papal dispensations, certain lands were to remain with Marischal until Huntly or his heirs paid two thousand merks; but if the divorce or parting was at Elizabeth's instance, Huntly was not to pay that money, but only to give back the dowry he had received.[1]

Margaret Tudor, daughter of Henry VII., sister of Henry VIII., sister-in-law of Louis XII., queen of James IV., and mother of James V., married Archibald, sixth Earl of Angus, "ane man of fair personage," in August 1514, that is, within eleven months of her husband's death at Flodden. According to Bishop Lesley, she married Angus "for her plesour," which she "did sore eftirwart repent."[2] As early as the beginning of May 1516, it was reported in London that she was to be divorced from Angus, and intended to marry the emperor, Maximilian I. "Those in authority maintained that as all Scotland, at the time of her marriage, was under excommunication for an act perpetrated against a papal bull, the earl was unable to contract marriage."[3] Lesley says that when she learned in 1518 that Angus "had takin awaye ane gentill woman" in Douglasdale, she conceived such jealousy and hatred that she sought

[1] This contract or indenture is printed in the *Spalding Miscellany*, iv. 138–142. It was this Earl of Huntly who played such a prominent part in Queen Mary's reign until his death at Corrichie on the 28th of October 1562.

[2] *Diurnal of Occurrents*, p. 5; Lesley's *History*, p. 99.

[3] *Venetian Calendar*, 1509–1519, p. 299.

by all means to be divorced.[1] A divorce on account of this "gentill woman" would not have set the queen free to marry again, and therefore she had to find some other cause. A wild reason was suggested in 1525, namely, that James IV. had survived Flodden and was still alive when she married Angus.[2] Could she have made that good, her case would have been unanswerable. Lesley alleges that Angus was summoned to appear before Archbishop Betoun, and that he pronounced the marriage to have been null and unlawful, because Angus had previously been married to Lord Hume's sister, and had not been lawfully divorced from her.[3] In his Latin version, he says that Angus had given a pledge of marriage to a daughter of the Earl of Bothwell; and that the archbishop passed sentence on condition that the offspring of the queen's marriage should suffer no loss, as she at least had been ignorant of that impediment.[4] The case must either have been appealed or referred to Rome; and sentence was given in the queen's favour by the Cardinal of Ancona on the 11th of March 1527–28. In that sentence there is no reference whatever to the

[1] Lesley's *History*, pp. 112, 113.—In his Latin version, he says that Angus had deceived a noble lady in Douglasdale, whom he loved desperately, and carried secretly thence (*De Origine*, 1675, p. 373).

[2] *State Papers of Henry the Eighth*, iv. 385.

[3] Lesley's *History*, pp. 113, 133.

[4] *De Origine*, 1675, pp. 373, 399, 400.—Angus, while still a minor, had been contracted to Margaret Hepburn, sister of Adam, second Earl of Bothwell, on the 26th of June 1509. The marriage-contract is printed *in extenso* in Fraser's *Scotts of Buccleuch*, ii. 117–119.

offspring, nor to the grounds on which the divorce was granted; but the sentence is declared to be final, and the marriage to have been and to be null and void. Within three weeks of that sentence being pronounced, and before she could have been officially notified of it, she married her third husband, Henry Stewart, who in the following July was created Lord Methven.[1] After tiring of him she raised an action of divorce against him, and assured her royal brother that it would do both him and her son more honour for her to be rid of Methven, "consyderyng that he is bot a sobar man."[2] In the early summer of 1537 sentence of nullity was concluded in her favour, on the ground that as Methven was related to Angus in the fourth and fourth degrees of consanguinity, so she was consequently related to Methven in the same degrees of affinity. But although the sentence was actually written out, and recorded in the book of the Official of the archdeaconry of Lothian, James v., anxious, perhaps, to save his mother from such a flagrant scandal, would not allow it to be pronounced, and would not consent to her

[1] *State Papers of Henry the Eighth*, iv. 490, 491.—The offspring of the queen's marriage with Angus was Lady Margaret Douglas, the mother of the unfortunate Darnley, and so a direct ancestress of Edward VII. Before Robert II., the first of the Stuart kings, and his first wife, Elizabeth Mure, obtained a papal dispensation (Theiner's *Monumenta*, pp. 289, 290), their eldest son was about ten years old, hence the declaration concerning the succession to the Crown made by that king and his Parliament on the day after his coronation (*National MSS. of Scotland*, vol. ii. No. 43*a*), hence too the discussions as to the legitimacy of the Stuart line.

[2] *Hamilton Papers*, i. 42.

getting more than a separation from bed and board. Methven, she said, had persuaded him that she wished to marry Angus again.[1]

That it was possible to obtain a decree declaring a marriage to have been null and void from the beginning because of certain canonical impediments, although a dispensation removing these had been previously granted, is proved by the famous (or rather infamous) case of James, Earl of Bothwell, and Lady Jean Gordon, sister of George, fifth Earl of Huntly. Before they were married, in February 1565–66, Archbishop Hamilton, as papal legate, granted a dispensation permitting them to marry though related in double fourth degrees of consanguinity; and in May 1567, that is barely fifteen months afterwards, the judge or judges-delegate of that archbishop declared the marriage to have been null from the beginning because of their consanguinity and the want of a dispensation. Hamilton could not have forgotten the dispensation which he as the pope's legate had signed so shortly before, but he kept silence, as did Bothwell, Lady Jean, and Huntly.[2] When

[1] *Liber Officialis Sancti Andree*, pp. 60, 61; *State Papers of Henry the Eighth*, v. 103, 104, 119, 120; *Hamilton Papers*, i. 49, 50.

[2] It is a curious fact that while Bothwell, professedly a Protestant, raised this action for divorce before a Roman Catholic tribunal, his wife, a sincere Roman Catholic, raised an action, for the same object, against him before the Protestant commissaries. These actions cleared the way for Bothwell's infamous marriage with the queen, and are discussed in my *Mary Queen of Scots*, pp. 157, 452–454. The dispensation to Bothwell and Lady Jean Gordon was not the only one issued by Archbishop Hamilton after the Reformation (Robertson's *Statuta*, i. p. clxxiv.; *Drumlanrik Manuscripts*, Hist. MSS. Com., 1897, p. 26).

a dispensation so recently granted, and affecting parties in the highest social position, could thus be suppressed, it is much more than likely that the same unscrupulous and desperate plan was adopted in other cases, in order to nullify a marriage which had become distasteful to the parties.[1]

To further illustrate the nefarious working of the canon law in the old ecclesiastical divorce courts of Scotland, scores of other examples might easily be given; but it may be better to cite briefly the opinions of three competent jurists who specially studied the subject.

James Fergusson, one of the judges in the Consistorial Court of Scotland, thus speaks of the effect of the canon law before the Reformation—

"The security of the conjugal relation, when constituted, was brought as much as possible under the power of the Church, by extending to an extravagant length the laws of incest, and by admitting the most iniquitous and pernicious proceedings that ever disgraced the administration of justice for annulling marriages."[2]

John Riddell, advocate, has said—

"Nothing can be conceived more loose and depraved than the state of society in Scotland

[1] A divorce, which seems to have been obtained in this way, was set aside by the Superintendent of Fife and the ministry of St. Andrews in 1561 (*Register of St. Andrews Kirk-Session*, i. 133–135).

[2] Fergusson's *Reports of some recent Decisions by the Consistorial Court of Scotland*, 1817, p. 462

before the Reformation. In many cases it was impossible for individuals to know whether they were married or not—for what wife could have been aware of the intrigues her husband might have had, before their marriage, with her female relatives within the fourth degrees of consanguinity, or affinity, which comprehended innumerable individuals, and which, if divulged, could at once have voided their connexion?"[1]

"Of course such a mode of eschewing the nuptial thraldom, when parties were discontented, was eagerly adopted, either singly, or by collusion, giving moreover the most unlimited vent to gossip and detraction, falsehood and perjury, which attained a high *præmium*, since the scandalous but decisive imputation could be supported by parole evidence. It might also have been long in transpiring, and only by mere accident, so that, as I have observed, great uncertainty must have prevailed as to the status and condition of individuals; nay, it was strictly impossible to say who were legally married or not,—which indeed evinces the extreme necessity of the equitable and salving plea of *ignorantia* [in protecting the legitimacy of the issue]."[2]

Cosmo Innes, professor of constitutional law in Edinburgh University, referring to "the great evil of the multiplication of the impediments to marriage, coupled with the abominable system of dispensations, open only to the rich, and the divorces which that system induced," says—

[1] Riddell's *Remarks upon Scotch Peerage Law*, 1833, p. 185.

[2] Riddell's *Inquiry into the Law and Practice in Scottish Peerages*, 1842, i. 466.

"All decency was thrown aside. We have found women, of no mean condition, publishing their own shame, to entitle them to a separation from their husbands. . . . Unfortunately, there are materials to show that the immorality was not less in the lower classes, although their means did not allow them to obtain the sanction of the law and the Church."[1]

It is no wonder that, handicapped as they were in various ways, and not least by the paucity of preachers, the Reformers had to struggle long as well as strenuously in their efforts to suppress immorality. In the *First Book of Discipline* several practical suggestions were made as to the contracting and celebration of marriages, and the severe punishment of the unclean, "that the law may now and heirafter be so establisched and executed that this ungodlie impunitie of synne have no place within this realme."[2] Parliament, on 24th August 1560, had abolished the pope's jurisdiction, and annulled all previous legislation not agreeing with God's Word and contrary to the *Confession of Faith*;[3] but the *Confession* did not treat of marriage, and it was soon realised that something more definite was required. Accordingly in the first general assembly—

"The question being proponed anent mariage in second and uther degries of consanguinitie,

[1] *Liber Officialis Sancti Andree*, pp. xxxvi., xxxvii.
[2] Laing's *Knox*, ii. 245–249; *supra*, pp. 266, 267.
[3] *Supra*, p. 248.

forbidden be the pope to be solemnizat betwixt parties, it is found that, of the law of God, mariage may be solemnizat betwixt parties beand of second, thrid, and ferd degries of affinitie or consanguinitie, and uthers sick as are not prohibited expressely be the Word of God; and therfor to desyre the lords and estates to interpone their authoritie and approve the samein, and make lawes therupon."[1]

This decision of 21st December 1560 does not seem to have been followed by any relative civil legislation until 1567. On the 19th of April in that year, as already mentioned, Mary, in Parliament, abrogated and annulled all laws, acts, and constitutions, "canone, civile, or municipale," with all other constitutions and practice penal, contrary to the religion which she found universally standing when she returned from France.[2] Even this comprehensive abrogation was apparently not considered altogether satisfactory in regard to the marriage of relations. Canon law, as far at least as it was contrary to the Reformed religion of Scotland, was annulled and repealed; and it might have been held that the extension of the Levitical prohibitions against intermarriage therefore fell, though not expressly mentioned in the repealing Act. The matter, however, was of vast importance, and uncertainty was not allowed to

[1] *Booke of the Universall Kirk*, i. 5. *Beand* = being, *ferd* = fourth, *sick* = such.

[2] *Supra*, pp. 471–472.

hang much longer over it. In the following December, when the queen was a captive in Loch Leven, Parliament, under the Regent Murray, statute and ordained that the holy bond of marriage, made by "all estaitis and sortis of man and woman," be as lawful and as free "as the law of God hes permittit," without exception of person or persons; and declared that those in the second degree of consanguinity or affinity, and all degrees outwith the same, not repugnant to God's Word, may lawfully marry, and might do so since the 8th of March 1558–59, notwithstanding any law, statute, or constitution to the contrary; and ratified and approved all such marriages made since that date, and the children born or to be born of them to be as lawful — in respect of succession to lands, heritages, or other liberties— as the children of any marriage.[1]

This Act is obviously retrospective as well as prospective in its aim; and the phraseology— "all estaitis and sortis of man and woman"—was doubtless designed to protect the clergy who had married. There must have been a special reason for fixing on the 8th of March 1558–59. Between the summer of 1559, when the pope's Church was overthrown, and the meeting of the first Protestant

[1] *Acts of Parliament*, iii. 26.—By another Act passed on the same day, incest was to be punished by death; and incest was to be determined by "the xviij. cheptour of Leviticus." Both Acts were ratified on the 29th of November 1581 (*ibid.* iii. 210). In the *Westminster Confession of Faith* (chap. xxiv.), the law of affinity is plainly laid down—"the man may not marry any of his wife's kindred nearer in blood than he may of his own, nor the woman of her husband's kindred nearer in blood than of her own."

Parliament in 1560, many must have broken the canon law by their marriages, and of course they could not plead the Acts of that Parliament in justification of any such breach.[1] Some of the clergy even may have married before the meeting of that Parliament. Quintin Kennedy's language appears to imply that they had.[2] That landed proprietors dared to do so, in spite of the prohibitions of the canon law, is proved, for example, by the formal obligation entered into by the Earl of Argyll on the 11th of October 1559, by which he bound himself that if John Lawmont, younger of Knockdow, and Marjory Campbell, daughter of the late Duncan Campbell of Ellanegrene, contracted the bond of matrimony, "accordyng to the command and law of God, in face of Haly Kirk,[3] wythowt ane dispensatioun apoun the degres of thrid and ferd of consanguinitie, nochtwithstanding that the said

[1] That marriages were being celebrated by Protestants in Scotland before the summer of 1559 is indicated, if not proved, by the last statute of Archbishop Hamilton's last provincial council, held in the spring of 1559, which forbade anyone, under pain of the greater excommunication, "to minister the sacraments of the eucharist or of marriage, or to receive the same, unless according to the wonted and accustomed form of the Church, which has hitherto been duly observed and been customary for priests to celebrate" (Patrick's *Statutes*, p. 187). Monluc and Randan had authorised the Parliament of 1560 to make an Act of Oblivion dating from 6th March 1558–59 (Keith's *History*, i. 302).

[2] "Is it nocht thocht that the preist, monk, or fleschelye forloppin freir, followis treulie the verray doctryne of St. Paule, quhilk is rynnegat fra his religioun, and makis ane monsterous mariage, and it wer with ane non" (*Wodrow Miscellany*, p. 150).

[3] This is by no means the only instance, although it may be the first, in which the Reformed Church of Scotland is referred to as "Haly Kirk,"—a designation long applied to the Roman Church.

dispensatioune be nocht gottin nor requerit fra the pape, his legatis or commissionaris, apoun the degres abowne expremit," he (*i.e.* the Earl) and his heirs would not pursue the children of that marriage as bastards, but hold them to be as legitimate as if the said degrees had not existed; and, if any person pursued them as bastards on that score, he and his heirs would maintain, defend, and warrant them as legitimate, according to law, justice, and equity.[1]

The sweeping away of the baneful and cankering system of ecclesiastical impediments and dispensations was fraught with consequences for good.

Not only did the general assembly declare, in 1560, that, by the law of God, marriage might be solemnised between parties in the second, third, or fourth degrees of consanguinity or affinity; but in 1565, in one of its decisions, it incidentally explained that it regarded cousins-german as in the second degree of consanguinity,[2] and thus furnished the key for its mode of computing the degrees. In the Bannatyne Club edition of the "Acts and Proceedings of the General

[1] The earl's obligation is printed in the *Liber Officialis Sancti Andree*, pp. 169, 170. *Expremit* = expressed.

[2] *Booke of the Universall Kirk*, i. 62.—In the same year the assembly declared that a man could not marry his wife's niece (*ibid.* i. 72). Principal Lee has discussed, with fulness of knowledge, the attitude of the Reformers of Scotland and of other countries towards marriage with a deceased wife's sister (*Lectures*, 1860, ii. 355–361); and Lord Fraser has expounded the post-Reformation legal interpretation of the 18th chapter of Leviticus (*Treatise on Husband and Wife according to the Law of Scotland*, 1876, i. 113–131). For the modes in which the degrees were computed, see *Appendix O.*

Assemblies of the Kirk of Scotland," there is a contradiction to the principle thus enunciated. In December 1566 the assembly, according to that edition, was asked what should be done to a man who had married his father's brother's daughter, after having been warned not to do so. The answer was that the process ought to be delated to the justice-clerk and to the Kirk, and the names of the offenders, that they might be punished.[1] Now a man's father's brother's daughter is his cousin, and therefore related to him only in the second degree. The judgment of the Assembly in 1566, however, was not inconsistent with the deliverances of 1560 and 1565. There is an error in the printed records. In the Cromertie MS. of the *Acts of Assembly*, recently restored to the Church of Scotland, the woman is described as the man's father's brother's "wyiff." This Cromertie MS. dates from about the close of the sixteenth century; and its reading is confirmed by a 1730 transcript of another MS. which has long been lost. The man, therefore, had married not his cousin but his aunt, and was deservedly handed over to the justice-clerk for punishment.[2]

[1] *Booke of the Universall Kirk*, Bannatyne Club, i. 91.

[2] This Cromertie MS. had passed into private hands and was sold. It was purchased by the Earl of Rosebery, and handed back by him to the Church of Scotland. Both it and the 1730 transcript are now in the Church of Scotland Library. In Peterkin's edition of the *Booke of the Universall Kirk* (p. 54), the woman is described as the man's "father's sister," and so his aunt, but by consanguinity, not by affinity, as in the two MSS.

In 1563 the Council of Trent not only denounced anathema against those who say "that matrimony is not truly and properly one of the seven sacraments of the evangelic law, instituted by Christ the Lord;" but while declaring "that it is not to be doubted that clandestine marriages, made with the free consent of the parties contracting, are valid and true marriages, so long as the Church has not rendered them invalid," it decreed that henceforth any attempt to contract marriage, otherwise than in the presence of the parish priest (or another priest permitted by him or the bishop) and two or three witnesses, was to be not merely irregular but null and void.[1] In 1864 Pius the Ninth, in his *Syllabus of Errors*, condemned the opinion that "the form of solemnising marriage prescribed by the said Council [of Trent], under penalty of nullity, does not bind in cases where the civil law has appointed another form, and where it decrees that this new form shall effectuate a valid marriage." He also condemned the opinion that "a merely civil contract may, among Christians, constitute a true marriage"; and likewise condemned the opinion of those who denied "either that the marriage contract between Christians is always a sacrament, or that the contract is null if the sacrament be excluded."[2]

[1] Buckley's *Canons and Decrees of the Council of Trent*, 1851, pp. 177, 179–181.

[2] Schaff's *Creeds of the Greek and Latin Churches*, pp. 230, 231.—The bearing of the Tridentine decree and of the *Syllabus* on civil and Protestant marriages was trenchantly dealt with by Mr. Gladstone in his

The Council of Trent not only limited spiritual consanguinity,[1] but restricted to the first and second degrees the impediment of affinity resulting from illicit intercourse, and abolished the impediment of public decorum in cases of invalid betrothal, and restricted the impediment in valid cases to the first degree.[2] In the *Catholic Dictionary* it is acknowledged that, in the Church of Rome, marriage is still (1884) made null and void by consanguinity, and by affinity arising from marriage, up to and including the fourth degree; by affinity arising from unlawful intercourse up to and including the second degree; by public decorum as restricted to the first degree; by spiritual consanguinity; by legal affinity and possibly also by spiritual affinity. The uncertainty concerning the last of these arises from the fact that the Council of Trent, in reforming the law on spiritual consanguinity, "makes no mention of spiritual affinity," hence "it is generally supposed that the latter is no longer to be recognised as an impediment to marriage."[3]

Rome and the Newest Fashions in Religion, 1875, pp. v.–viii., xxix., 26–30, 123, 124, 184.

[1] *Supra*, p. 480 *n.*

[2] Buckley's *Canons and Decrees of the Council of Trent*, p. 183.

[3] *Catholic Dictionary*, p. 15.—According to this work, "spiritual consanguinity is an impediment to marriage between the god-parent and the god-child, and between the god-parent and the natural parents of the child, and again between the minister and receiver of the sacraments of baptism and confirmation. Such is the present law of the Church" (*ibid.* pp. 214, 215). To one unversed in the subtleties of "the mystery of iniquity" this is not quite clear. Though baptism may be validly ad-

The Council of Trent decreed that those should be deprived of the hope of obtaining a dispensation, who either contracted marriage knowingly within the forbidden degrees, or unwittingly but neglected the proper solemnities; and that it might be granted more easily and gratuitously to those who had observed the solemnities, and were probably ignorant of an impediment until afterwards. For marriages to be contracted, it decreed that a dispensation should seldom be granted, and then only for a cause and gratuitously, and should never be granted in the second degree except between great princes and for a public cause.[1] Nowithstanding this decree, dispensations are easily obtained nowadays in numerous instances by "ordinary Catholics," which were formerly "refused even to crowned heads."[2]

ministered in the Church of Rome by a layman, confirmation cannot. "In ordinary cases a bishop only can confirm, but the pope may empower, and has frequently empowered, a simple priest to do so, provided at least the chrism which he uses has been consecrated by a bishop" (*ibid.* p. 209). But, as neither a bishop nor a simple priest is entitled to enter into matrimony, it seems superfluous to say that spiritual consanguinity is an impediment to marriage between the minister and receiver of the sacrament of confirmation. Unless the god-parent is in some sense "the minister" of that sacrament, the phraseology of the *Catholic Dictionary* is probably an euphemistic way of indicating that a bishop, or simple priest, who sins with any woman he has confirmed, is guilty not only of fornication or adultery, as the case may be, but also of incest.

[1] Buckley's *Canons and Decrees of the Council of Trent*, pp. 183, 184.

[2] *Catholic Dictionary*, p. 436.—Crowned heads sometimes obtained great privileges. The privy council of Castile stated, in a memoir drawn up in or about 1522, that King Henry IV. of Castile, after having been married for some years to King Ferdinand's sister, wished to take another wife; that the pope gave him a bull of dispensation permitting him to contract another marriage, on condition that he should return to his first

The decree of the Council of Trent, declaring marriages null which were not contracted in presence of a priest and two or three witnesses, was not promulgated in Great Britain, or indeed in Protestant countries generally, "so that the marriages of Protestants or Catholics made before the Protestant clergyman or magistrate, or without any functionary" in these countries, were valid.[1] But, on the 19th of April 1908, a new decree of "the holy see" concerning marriage came into force, which, as expounded in a Roman Catholic periodical, is not confined in its operation to Roman Catholic countries, but "binds all Catholics belonging to the Western Church, even when only one of the parties is a Catholic, except in the German empire." Henceforth, "marriages before the registrar, or in non-Catholic places of worship, without the presence of the priest of the district, will not only be unlawful and sinful as heretofore, but also null and void before God, the Church, and in conscience." This "new law binds all persons baptized in the Catholic Church, and those who have been converted to it from heresy or schism (even when any of these have afterwards fallen away from the Church), whenever they contract espousals or marriage with one

wife if, within a fixed time, he should not have issue by his second queen; and that he accordingly married King Alonso's sister, his first wife being still alive (*Calendar of Spanish Papers, Henry VIII.*, ii. 396). Apparently Clement VII. thought, whether seriously or not, of solving Henry VIII.'s difficulty by allowing him to have two wives (*Letters and Papers of Henry VIII.*, vol. iv. part iii., Nos. 6627, 6705, and App. No. 261).

[1] *Catholic Dictionary*, p. 436.

another. The same laws are also binding on the same Catholics as above if they contract espousals or marriage with non-Catholics, baptized or unbaptized, even after a dispensation has been obtained from the diriment impediment which forbids mixed marriages, or from the diriment impediment of difference of creed. The only exception to this latter rule is the German empire, where mixed marriages, even when clandestine, are, and will remain, valid." To a Protestant it seems very strange that any Church should be presumptuous enough to declare, and that its members should be simple enough to believe, that while a certain class of marriages made in Britain are null and void "before God" and "in conscience," the same class, if made in Germany, are valid. This new law provides, even outside of Germany, for two cases in which a valid and lawful marriage may be contracted without the presence of the parish priest—viz. (1) when one of the parties is in danger of death; and (2) "where neither the *ordinary* nor the parish priest, nor a priest delegated by either of them, can be had, and this condition of things has lasted for thirty days." In the first case "the marriage may take place before any priest and two witnesses"; and, in the second case, "the parties may marry validly by making a formal declaration of consent before two witnesses."[1]

[1] *The Month, a Catholic Magazine*, for April 1908.—The term *ordinary*, it is explained, comprehends not only the diocesan bishop, but

This latest law of the papal Church for regulating marriage is thus pressed home on the Roman Catholics of the south-west of Scotland, in the year of grace 1909, by "William [Turner], by the grace of God and favour of the apostolic see, Bishop of Galloway"—

"It has now again been declared solemnly by the highest authority, that no Catholic can contract a valid marriage outside the Catholic Church; any such sacrilegious attempt is held to be an act of foul concubinage; therefore your public duty to God and to your own religious sense demands that you should unreservedly shun all association and converse of any one who should unhappily fall into such abomination. Let them feel that they are utterly unwelcome and unfit to hold intercourse with you until they repent and amend by putting away the evil thing."[1]

Perhaps this bishop is rabidly righteous enough to forward the desires of those who, though validly married according to Act of Parliament, wish, like the gentleman in the scandalous case exposed by Mr. Gladstone, to get rid of one wife in order to take another.

an apostolic delegate, vicar apostolic, prefect apostolic, the chapter *sede vacante*, a vicar capitular, and a vicar general.

[1] *Pastoral Letter to the Clergy and Laity of the Diocese of Galloway*, Lent 1909, printed by T. Hannavy, High Street, Dumfries, 1909, p. 4.

XIV

CONSEQUENCES—EDUCATIONAL AND OTHER ADVANTAGES.

Among the blessings born of the Reformation in Scotland, not the least was the revived and extended interest in education. Joseph Robertson has shown that there were schools in St. Andrews as early as 1120, and that they appear to have been of some note; that, in the same century, there were also schools in Kirkcudbright, Arbuthnot, Abernethy, Perth, Stirling, and Edinburgh, and in Iona at least a "ferleiginn" or lecturer; that, in the thirteenth, there were schools at Ellon (in Buchan), Ayr, Roxburgh, Berwick-on-Tweed, Aberdeen, and Glasgow; and somewhat later in Elgin, Brechin, and Dunkeld.[1] Cosmo Innes states that the monks of Kelso not only had schools in Roxburgh as early as the reign of William the Lion, but that they gave instruction to a higher class within the monastery; and that, in the thirteenth century, a widowed lady resigned part

[1] *Statuta*, ii. 290; *Spalding Miscellany*, v., Appendix to Preface, pp. 56–77.

of her dowry lands to the convent, on condition that they should maintain her son among the scholars of the best rank in their "poor's house."[1] James Grant has proved that there were schools in Lanark and Linlithgow in the twelfth century; in Cupar-Fife and Haddington in the fourteenth; in Dundee, Dumfries and Peebles in the fifteenth; and in Crail, Dunfermline, Biggar and Kirkwall shortly before the Reformation.[2] Bishop Dowden has shown that Dunblane and Muthil had schools in the thirteenth.[3] It does not follow that all these places had schoolhouses, or that all the schools survived till the Reformation. It is known that the village school in Norham, on the south bank of the Tweed, was taught in the church,[4] and that the "scolocs," or scholars, disappeared from Arbuthnot in the beginning of the thirteenth century. The monks of Beauly taught the neighbouring youth in the fourteenth century and much later. In the fifteenth, one of the priors made Hugh Lord Lovat "a good schollar and a saint too." In the early part of the sixteenth century, this is said to have been "the onely school in our north," but the prior was most obliging in educating gentlemen's children. He was noted also for his hospitality,

[1] *Liber S. Marie de Calchou*, i. p. xliii.

[2] Grant's *Burgh Schools of Scotland*, 1876, pp. 5, 6, 11, 21, 23, 25, 29.

[3] *Chartulary of the Abbey of Lindores*, Scottish History Society, pp lv. 49, 50.

[4] *Scotland in the Middle Ages*, 1860, p. 270.—Even in those far-away days boys were so keen for holidays that one of them threw the key of Norham Church into a deep pool of the river.

and is credited with having originated the farewell drink known as *Deoch-an-Doruis.*"[1]

The schoolmaster appointed by the abbot and chapter of Arbroath, in 1486, to teach the novices and young brethren, had a salary of ten merks a year and his daily portion with the monks.[2] Possibly some outsiders may also have received instruction from him. Robert Reid, the anxious and worthy Abbot of Kinloss, induced John Ferrerius, a native of Piedmont, to settle down in 1531 in that northern monastery as a teacher of the monks. As he returned to Kinloss in 1540, he took with him five young monks from Beauly that they might share in his instructions. In expounding Greek authors, he was content to use Latin versions. Lists of the books on which he lectured are preserved.[3] That there was a pre-Reformation as well as a post-Reformation grammar-school in Culross Abbey is implied in the statement, made in 1589, that there had been, "in all tyme bygane," a grammar-school within the abbey of

[1] *Chronicles of the Frasers*, Scottish History Society, pp. 76, 105, 124.

[2] *Liber S. Thome de Aberbrothoc*, ii. 245.

[3] *Ferrerii Historia Abbatum de Kynlos*, Bannatyne Club, pp. 43–46, 49, 50.—When the Beauly monks departed he presented some books to them, one of these (Plutarch's *Lives*) happened to be in the hands of Adam Elder, a Kinloss monk, who refused to give it up, on the plea that it was bought with the abbot's money, and that Ferrerius had no books of his own. In a letter, Ferrerius described this argument, as, like Elder himself, "weak in the loins"; and declared that he had taken many books from Paris to Kinloss with him, and had bought not a few in Edinburgh with his own money; and that money, he said, was more truly his than what Elder diverted to his own use, without the abbot's leave, by selling cabbages from the garden (*ibid.* pp. 52, 53; Stuart's *Records of the Monastery of Kinloss*, 1872, pp. xvi., xvii.).

Culross, "in the quhilk the youth of the burgh and land of Culross wer instructit in grammer, and trainit up in vertew and lettres, to the commounweill of the haill cuntrey, and that Mr. Williame Home is now present master of the grammer scole within the abbey foirsaid."[1]

The education given in some of these schools was probably very slender; and those scholars who wished to get more than the burgh schools could impart had to go to England or the Continent. Not until the 28th of February 1411–12 was the University of St. Andrews, the first in Scotland, founded; Glasgow did not follow until 7th January 1450–51, and Aberdeen not until 10th February 1494–95. It has recently been suggested that the founding of these universities, by the respective bishops of St. Andrews, Glasgow, and Aberdeen, was due, perhaps, more to ecclesiastical rivalry than to any sincere desire to promote education.[2] Be that as it may, there must have been a goodly number of grammar schools scattered over the country by 1496, for, on the 13th of June in that year, the first Scottish Education Act was

[1] *Register of the Privy Seal*, lix. 116, 117.

[2] Patrick's *Statutes*, p. lxxxvi.—In founding the University of St. Andrews, Bishop Wardlaw expressed the conviction "that by the schools of letters, through the favour of Him from whom every good and every perfect gift flows, men are rendered learned in the sciences, by whom the truth of the Scriptures is expounded, the ignorant are instructed, the more advanced rise to higher attainments, and the Catholic faith—by an impregnable wall of doctors and masters, by whom thus surrounded she is enabled to withstand heresies and errors—grows strong" (*National MSS. of Scotland*, ii. No. 63).

passed; and it implies that grammar schools were within reach of the moneyed classes. It ordained that—

"All barronis and frehaldaris that ar of substance put thair eldest sonnis and airis to the sculis fra thai be aucht or nyne yeiris of age, and till remane at the grammer sculis quhill thai be competentlie foundit and have perfite Latyne; and thereftir to remane thre yeris at the sculis of art and jure."[1]

Of this early education Act, Scotsmen may well be proud; but it has to be noted that it was not intended to apply to all the youth of the realm; not even (though it is sometimes so represented) to the eldest sons and heirs of "all *burgesses* and freeholders of substance"; but only to the eldest sons and heirs of *barons* and freeholders of substance. From the Act it may be inferred that the thirst for knowledge was not universal, else it would have been unnecessary to compel the barons and freeholders of substance to give their eldest sons and heirs a liberal education. That the Act did not reach all those who were qualified to play a prominent part in municipal or parliamentary affairs is easily proved. For example, in 1530 a document was signed by thirty-five of the leading men of Aberdeen, and of these, eight were unable to write their own names;[2] and in 1554

[1] *Acts of Parliament*, ii. 238.

[2] *Abredoniæ Utriusque Descriptio*, Spalding Club, pp. 69, 70.

there were actually men in Parliament who could not sign their names.[1] As the Act took no account of women it is not so surprising to find that the Countess of Marischal was as incapable in 1530, and the Countess of Huntly thirty-six years later.[2]

Immediately before the Reformation there are said to have been more than three hundred pupils at Andrew Simson's grammar school in Perth.[3] But this must have been an exceptional case, for, in 1562, Ninian Winzet, who had been Roman Catholic schoolmaster at Linlithgow for ten years, and was an uncompromising antagonist of Knox, declared that he had marvelled greatly how in times past, amid so much liberality to religion and science, "sa litle respect hes evir bene had to the grammar sculis . . . that in mony townis thair is not sa mekle providit thairto as a common house: and in nane almaist of al ane sufficient life to ane techear."[4]

There was a striking contrast between the Act of 1496 and the scheme propounded, in the *First Book of Discipline*, in 1560 by Knox and his associates. They insisted "that everie severall churche have a schoolmaister"; and "that no fader, of what estait or conditioun that ever he be, use his children at his awin fantasie, especiallie in thair youth-heade; but all must be compelled

[1] *Acts of Parliament*, ii. 604.
[2] *Spalding Miscellany*, iv. 142; Stuart's *Lost Chapter*, p. 100.
[3] Row's *History*, Wodrow Society, pp. 7, 8.
[4] Winzet's *Certane Tractatis*, Maitland Club, p. 26. *Mekle* = much.

to bring up thair children in learnyng and virtue." In towns of any reputation the master, they held, ought to be able to teach grammar and Latin; and in notable towns a college should be erected in which the arts might be learned, at least logic, rhetoric, and the tongues.[1] An elaborate scheme for remodelling and improving the universities was also submitted by the Reformers. They proposed that the schools should be maintained by the teinds,[2] and that the universities should be endowed "with temporall landis, with rentis and revenewis of the bischopriks temporalitie, and of the kirkis collegiat, sa far as thair ordinarie chargeis shall require."[3]

Unfortunately for the country, this magnificent educational scheme was not carried out. For many years before the Reformation some of the bishops and heads of monasteries had begun to dilapidate the revenues by alienating the temporality of the Church;[4] and, when the old Church

[1] Laing's *Knox*, ii. 209–211. *Everie severall churche* = every congregation or parish.

[2] *Ibid.* ii. 222.

[3] *Ibid.* ii. 218.

[4] Patrick Hepburn, Bishop of Moray, "was the great dilapidator of the Church possessions; and almost all the charters of alienation at the conclusion of the present volume [viz. N. 307-460, *Cartæ Abbreviatæ*, appended to the *Registrum Episcopatus Moraviensis*] are granted by him. He had numerous children [see *supra*, p. 56,] and he provided for many of them, both sons and daughters, out of the possessions of his bishoprick and abbacy. He outlived and braved the Reformation, and continued his former mode of life in his palace and castle of Spyny, and his profuse alienation of Church lands, till his death, 20th June 1573" (*Registrum Episcopatus Moraviensis*, Bannatyne Club, pp. xv., xvi.). William Gordon became Bishop of Aberdeen in 1546, and soon afterwards introduced

was overthrown, too many of the nobles were anxious to be enriched with the spoils;[1] and so the educational scheme proved abortive. It implanted in the Scots, however, a thirst for education, and supplied a stimulating ideal which, in the course of the centuries, has now been almost realised. Seldom has a noble object been commended to the rulers of a nation in more weighty words than those with which this part of the *First Book of Discipline* is closed—

"Not doubting but yf God sall grant quietnes, and gif your wisdomes grace to set fordward letteris in the sort prescribed, ye shall leave wisdome and learnyng to your posteritie, ane treasure more to be estemed nor ony earthlie treasure ye ar abill to provide for thame; whiche, without wisdome, ar more abill to be thair ruyne and confusioun than help or confort. And as this is most treu, so we leave it with the rest of the

a clause into the feu-charters which he granted, binding the feuars to defend the rites and liberties of Holy Church, and to resist all heretics and impugners of the faith. "From this time forward the records of the Church are filled with feu-charters and long leases, one of the modes of dilapidation of Church property practised universally at that period" (*Registrum Episcopatus Aberdonensis*, Spalding Club, i. pp. lix., lx.) Much of the money which he thus realised was spent on his illegitimate children and their mothers (*supra*, p. 56 *n.*). William Chisholm, Bishop of Dunblane, who died in 1564, alienated the patrimony of that bishopric "to a very singular degree"; and his nephew, who succeeded him, "dilapidated any remains of his bishoprick" (Keith's *Catalogue*, 1755, pp. 105, 106). Alexander Dunbar, the last Prior of Pluscardyn, alienated much of its property (MacPhail's *Pluscardyn*, 1881, pp. 121, 126, 129). John Rowl began to alienate the lands of the priory of the Isle of May as early as 1532 (Stuart's *Records of the Priory of the Isle of May*, 1868, p. xxxii.).

[1] Laing's *Knox*, ii. 128.

commoditeis to be weyit by your honouris wisdome, and set fordwart by your authoritie to the most heigh advancement of this common-wealth committed to your charge."[1]

Learning suffered less, throve better indeed, under Protestant poverty than under Papistical wealth. On the eve of the Reformation the buildings of Glasgow University appear to have been falling into decay, and by 1549 the University of Aberdeen had sunk so low that the hopes of its founder and first teachers seemed about to be frustrated.[2] New life was thrown into Glasgow by Andrew Melville, and into Aberdeen by Alexander Arbuthnot, whose zeal in educational matters was only equalled by the greatness of their scholarship and the ardour of their Presbyterianism.[3]

[1] Laing's *Knox*, ii. 221. *Sall* = shall, *gif* = give, *weyit* = weighed.

[2] Cosmo Innes' *Sketches of Early Scotch History*, 1861, pp. 223, 276.

[3] *Ibid.* pp. 225, 283.—Melville, who had learned Greek in the school established by Erskine of Dun at Montrose, astonished the professors at St. Andrews when he became a student there, as they did not understand that language (M'Crie's *Knox*, 1855, pp. 307–309). In December 1580 Melville left Glasgow to take up his duties as Principal of the New College in St. Andrews. The good and permanent work which he did there are duly set forth by M'Crie in his admirable biography of him. When, in 1611, after four years' imprisonment in the Tower of London, James VI. allowed him to retire into France, the Protestants there, says M'Crie, had six universities, besides fifteen colleges, and he adds: "The number of Scotchmen who taught in these seminaries was great. *They were to be found in all the universities and colleges; in several of them they held the honorary situation of principal; and in others they amounted to a third part of the professors.* Most of them had been educated under Melville at St. Andrews" (M'Crie's *Melville*, 1856, p. 320). Father Forbes-Leith, S.J., quotes the sentence which I have italicised, and quotes it as M'Crie's (without, however, giving a reference to volume or page); but, instead of applying it to the Protestant scholars trained under Melville at

As already mentioned, it had been emphatically declared, in the *First Book of Discipline*, that the dearth of "godlie and learned men" could not justify the admission of incompetent persons to the ministry.[1] And in March 1574–75 the general assembly, considering that most of the learned commentaries on the Scriptures are in Latin, resolved that, henceforth, only those should be admitted to the ministry who have "understanding in the Latine tongue, and are able to interpret the comentares wrytin in the same language, and speake congruous Latine." The only exception to this rule was in favour of those who, by "thair singular graces and gifts of God," were found, on examination by the general assembly, to be able to exercise the office without a knowledge of Latin.[2]

St. Andrews, he makes M'Crie say it of the pre-Reformation Roman Catholic Clergy (*Narratives of Scottish Catholics*, 1885, p. 7). This is an example either of consummate carelessness or of Jesuitical effrontery. It may have been the very audacity of the perversion which induced the outspoken but uncritical Dr. Rankin, of Muthill, to adopt and endorse it (*The Church of Scotland, Past and Present*, edited by R. H. Story, D.D., ii. 409, 410).

[1] *Supra*, p. 263.

[2] *Booke of the Universall Kirk*, i. 322.—When John Row was admitted minister of Perth in 1560, the grammar-school of that town was in high repute; and many youths of gentle blood who were sent to it boarded with Row. In the school and out of doors they were allowed to speak only in Latin. In Row's house they spoke French only; but in reading the Old Testament before and after meals they read in Hebrew; the New Testament they read in Greek, Latin, French, and English (Row's *History*, pp. 455, 456). By the rules of the grammar-school of Aberdeen in 1553, all the pupils were to speak in Latin, Greek, Hebrew, French and Irish (*i.e.* Gaelic), and not in the vernacular except to those who did not know Latin (*Spalding Miscellany*, v. 400). Pre-Reformation education in Scotland is fully discussed in Professor Edgar's *History of Early Scottish*

The nobles who enriched themselves at the expense of the Church might no doubt have justified their procedure, at least to their own satisfaction, by alleging that much of the wealth of the Church had been obtained from their ancestors on false pretences. Had these ancestors not believed that there was a purgatory, and that the clergy, by their services or incantations, could ease or shorten the pains thereof, many lands and much money, which had been made over to the Church, would have remained in the hands of their posterity.[1] That the wealth of the Church could have been utilised in a much better way than the enriching of needy nobles is undeniable.[2] The claims of the poor, of hard-working ministers,[3] and of education, were more pressing, and ought to have been honourably met. This would have been advantageous to the whole nation. It was better, however, that the nobles should have a share of that wealth, than

Education; and the post-Reformation, in Grant's *Burgh Schools of Scotland*.

[1] The Regent Arran had a glimmering of this in 1543 (Sadler's *State Papers*, 1809, i. 128). In one of the *Gude and Godlie Ballatis* (Mitchell's edition, pp. 185, 186), it is said that, by selling the "reik" of purgatory, the clergy had acquired "half the ryches on the molde."

[2] The late Lord Bute was convinced that the so-called "rapacity" of the Scots nobles has been very much exaggerated (*Essays on Home Subjects*, 1904, p. 259).

[3] David Fergusson, speaking for himself and the other ministers, in 1563, said: "The greatest nomber of us have lived in great penurie, without all stipend some tuelf moneth, some eight, and some half a year, having nothing in the meane time to susteane our selves and our families, but that which freindes have given us, and that which we have borrowed of cheritable persones until God send it us to repay them" (Fergusson's *Tracts*, Bannatyne Club, p. 11).

that the whole of it should remain in the possession of such a hopelessly corrupt Church as that which had been overthrown.

Principal Lee calculated that, on the eve of the Reformation, "the ecclesiastical property was nearly equal to one-half of the kingdom," the temporality, he thought, being little less than a fourth, and the spirituality more than a fourth, of the whole rent.[1] The lands and tenements held in

[1] Lee's *Lectures*, i. 41.—In Dr. M'Crie's opinion, "the full half of the wealth of the nation belonged to the clergy" (*Life of Knox*, 1855, p. 7). Mr. Law Mathieson has said: "The ministers had some reason to resent the selfishness of their lay associates; but if their demands had been a little more moderate, they might perhaps have been more successful. As the property of the Ancient Church has been reckoned at one half of the national wealth, it would certainly have been a liberal endowment for a handful of Protestant pastors" (*Politics and Religion*, 1902, i. 92). This is an extraordinary mistake for anyone to make after referring, as Mr. Mathieson had just done, to the *First Book of Discipline*, which was far from suggesting that the ministers or superintendents should have extravagant stipends (Laing's *Knox*, ii. 197–199); and in which it is expressly stated that the poor and the schools, as well as the ministers, must be sustained by the teinds (*ibid.* ii. 222); and that the universities ought to be endowed from the temporality of the Church (*ibid.* ii. 218). Mr. Mathieson is not so conspicuously in error when he says: "The assembly in 1576, when it was asked whether a minister or reader might keep 'an open tavern,' replied merely that those who did so should observe decorum" (*Politics and Religion*, i. 215). His authority is Calderwood's *History* (iii. 377), where the assembly's answer is given as: "A minister or reader tapping aile, beare, or wine, or keeping open taverne, is to be exhorted by the commissioners to keepe decorum." In the *Booke of the Universall Kirk* (i. 378) it is: "Ane minister or reidar that taps aill, or beir, or wyne, and keips ane opin taverne, sould be exhortit be the commissioners to keip decorum." It does not appear to have occurred to Mr. Mathieson that, as the *First Book of Discipline* (Laing's *Knox*, ii. 236) had declared it to be unseemly and intolerable that ministers should even be boarded in common ale-houses or taverns, the assembly of 1576 may have meant that ministers and readers were to keep decorum by not keeping taverns. That this is the true meaning is proved by Row's version: "No minister or reader ought to tap aill, beer, or wine, or keep an open tavern, *indecorum*

property by the Church were the *temporality*; while the tithes and ecclesiastical dues were the *spirituality*. A bishop or an abbot often held "a whole district in property, including many parishes, and was at the same time entitled to the tithes and church dues as legally parson of the parish." Thus "the Bishop of Moray was lord of eight baronies, one of them, Strathspey, apparently including the whole valley of the Spey from Laggan to Rothes, in which were many parishes."[1] Principal Lee's estimate has been confirmed by the recently discovered letter of Cardinal Sermoneta to Pope Paul IV., in which it is acknowledged that, in 1556, "almost one-half of the revenue of the whole kingdom of Scotland" went to the Church. Not content with this enormous wealth, much of which was squandered in extravagance and sin by the bloated clergy, many of them, including prelates, were, according to Sermoneta, "not ashamed to busy themselves hiring farms and estates," and were "much occupied in trafficking with cattle, fish, hides, and the like."[2] By means of the Reformation the legitimate traders got rid of this unfair competition.

For a long period the country had been seriously impoverished by the draining of money to Rome.

est" (Row's *History*, pp. 58, 59). This is confirmed by the Cromertie MS., which has in the margin, "No reader to keip taverne"; and by the 1730 transcript, which has the marginal note, "Ministers na taverners."

[1] Cosmo Innes' *Scotch Legal Antiquities*, p. 187

[2] Pollen's *Papal Negotiations*, pp. 528, 530.—The Dundee clergy apparently exported canvas in 1522 (Maxwell's *Old Dundee prior to the Reformation*, p. 311).

Annates, or first-fruits, have been defined as "a certain portion of the revenues of vacant benefices which ought, according to the canons and special agreements, to be paid to the Roman pontiff and the curia."[1] The special agreements were made when clerics and prelates, anxious for promotion, offered or agreed to give more than had been customary. The chapter, or bishop's council, claimed the right of electing the bishop, but were often influenced by regal authority, which was latterly exercised more openly and directly. And, worst of all—

"The pope, under various pretexts, was continually endeavouring to engross the patronage of our bishoprics; and when it came to be virtually admitted that an election or presentation was not effectual till confirmed by Rome, that object was not far from gained. The pope had another hold, for it was laid down as law, and received as such at Rome, that the pope had the absolute disposition of the benefice of every churchman who died at Rome. Whether by reason of confirmation or by direct grants, the drain of money to Rome was enormous. The rapacity of the Roman officials was however quite unconcealed and open."[2]

[1] *Catholic Dictionary*, p. 31.

[2] Cosmo Innes' *Scotch Legal Antiquities*, p. 178.—In 1483 the chapter of Arbroath, having agreed on David Lichtone as their abbot, voted "3000 ducats of gold," "for the expense of expediting his bulls at Rome, a sum which long burdened the abbey" (*Liber S. Thome de Aberbrothoc*, ii. p. xii). The late Lord Bute once said to a friend, "You can get anything at Rome, if you can afford to pay for it." See also *supra*, p. 67.

This continuous bleeding of the country by the insatiable officials at Rome, which had baffled the Parliaments of James III., James IV., and James V., was stopped by the Reformation.[1]

Auricular confession, that degrading and soul-defiling abomination, was abolished.

Excommunication, which had so long been grossly abused, was not abolished, but was remodelled. Henceforth it was not to be in the power of one man, and was not to be purchasable. No longer were those blood-curdling curses to be hurled through the land; for, even in the greater excommunication, the recovery of the erring brother was not lost sight of.[2]

As late as 1596, there were still "above foure hundreth paroch kirks destitute of the ministrie of the Word, by and attour the kirks of Argyle and the Yles."[3] It is no wonder then that the Church did not attempt to enter upon foreign

[1] *Supra*, pp. 108, 109; *Acts of Parliament*, ii. 166, 210, 233, 375.—Trafficking in benefices was common in Italy in the eleventh century (Neander's *History*, vi. 142). And in the thirteenth century, Matthew Paris, a monk of St. Alban's, tells how Henry III. of England complained of the innumerable papal exactions, and how the bishops of Lincoln and Norwich and the Archbishop of Canterbury went to Rome in vain. For the impoverished English prelates there was no relief. The Romans would not "withdraw their itching hands (*pruricntes manus*) from their customary robberies"; nor would the pope's relatives, "who were altogether worthless," refrain from shamelessly seizing the goods of England. The French also, Matthew says, tearfully complained of the oppressions and frequent exactions by which the Gallican Church was harassed (Madden's *Matthew Paris*, Rolls Series, iii. 295, 309, 310).

[2] Though the priest in public could pray only in Latin, he could excommunicate or curse in the most vigorous vernacular (*Appendix P*).

[3] *Booke of the Universall Kirk*, iii. 876. *By and attour* = over and above.

mission work. The first and most pressing duty was to Scotland, which was still in a deplorable condition. It would be hazardous, however, to say that the foreign heathen were not in its thoughts. The *Confession* of 1560 was first printed in 1561, and its title-page bears this text—"And this glaid tydinges of the kingdom shalbe preached throught the hole world for a witness to all nations and then shall the end cum."[1] The missionary spirit, though still quiescent in Scotland in 1641, was not dead, as was proved by Alexander Henderson and other five ministers when they declared that—

"The motion made by Master William Castell, minister of the Gospel, for propagating of the blessed Evangell of Christ, our Lord and Saviour, in America, wee conceive in the generall to be most pious, Christian and charitable, and therefore worthy to be seriously considered of all that love the glorious name of Christ, and are zealous for the salvation of soules, which are without Christ, and without God in the world."[2]

The introduction of elders and deacons was a blessing in divers ways. Henceforth in religious matters the people were not to be at the mercy or caprice of ecclesiastics. No congregation or parish was to be dominated by one man, but was to be ruled by the kirk-session. The minister was moderator of the kirk-session, but he could

[1] Laing's *Knox*, ii. 94.

[2] *Petition of W. C. exhibited to the High Court of Parliament*, 1641 p. 18.

neither over-ride nor thwart it. The deacons as well as the elders sat in the kirk-session, and both elders and deacons were elected annually. Some of the elders sat in all the courts of the Church, and thus the ecclesiastical basis was broadened and strengthened. Kirk-sessions, of course, were not infallible, neither were presbyteries, nor synods, nor general assemblies. It would be easy to point to decisions of these courts which to us seem tyrannical; but the tyranny was not the tyranny of one man; and, if it were flagrant enough to rouse opposition, the people had the remedy in their own hands, as far at least as the kirk-session was concerned, at the next annual election.[1]

In the first general assembly the number of the members did not exceed forty-two,[2] and of these

[1] In St. Andrews the annual election of elders was kept up until at least 1600; and in Stirling until 1627.

[2] The only uncertainty as to the precise number of the members depends on a single word in the list. In the Bannatyne Club edition of the *Booke of the Universall Kirk* (i. 4) this line occurs in the list of members—"The *lairds* of Tullievaird and Fethercairne, for the kirks of the Mernes." In the 1730 transcript the word is "lairdis"; and in the Wodrow Society edition of Calderwood's *History* (ii. 45) it is also "lairds." But in Peterkin's edition of the *Booke of the Universall Kirk* (p. 2) it is "laird," as it also is in Calderwood's large unprinted *History* (British Museum, MS. 4734), which (vol. i. pp. 451–453, or fol. 231*b* to fol. 232*b*) contains an account of the first general assembly. If one man owned Tullievaird and Fethercairne in 1560, there were only forty-one members of assembly; but if these lands belonged to two different lairds then there were forty-two. In February 1554–55 the queen granted to Walter Wood, son and heir-apparent of John Wood of Fethircarne, the "terras et thenagium de Fethircarne et Abirluthnoth" (*Registrum Magni Sigilli*, 1546–1580, No. 980); and in January 1607, Sir John Wood of Fettercairne, knight, was served heir to his father, Walter Wood of Fettercairne, "in terris et thanagio de Fettercairne et Arberluthnot"

only six were entered as ministers. The great preponderance of elders in that assembly was due not to principle but to special circumstances.

Without going back to the proportion of six to one, it might be advantageous in the present day to increase the number of elders in the presbyteries, synods, and general assemblies. There might well be two elders for each minister in these courts. Theoretically the elders are still the representatives of the people, but in reality they are not. A man may be elected to the eldership at the age of twenty-five, or even earlier; he may hold office in the same congregation for fifty years or more; all the people who elected him may be dead,—and yet he is supposed to represent the congregation in the various courts of the Church. This anomaly would be removed if we went back to the Reformation plan of annual elections; or if each congregation were allowed to choose yearly, from its own kirk-session, its representatives to the superior courts. By either plan the members of the Church could bring their opinions to bear effectively on all the important questions dealt with by these courts—a privilege, or a right, from which Peter's "royal priesthood" are at present practically debarred.

The benefits derived from the institution of

(*Inquisitionum Retornatarum*, i. Kincardine, No. 19). As at neither of these dates the laird of Fettercairn is described as also being laird of Tullievaird, it may be assumed that the word in the original list of members was "lairds," not "laird," and that therefore there were forty-two members.

kirk-sessions were not confined to ecclesiastical or religious matters. In them the people received not only a large measure of local self-government in Church affairs, but by them they were indirectly trained and fitted to look after their civil rights. No doubt the burghs of Scotland had, for centuries before the Reformation, been ruled by town councils; but the members of these town councils were drawn from narrower circles, viz. from the guildry and the incorporated trades; and outside the burghs there was no local self-government of any kind, saving that of the kirk-session.

The most popular of Scottish poets voiced the sentiment of the nation in the words—

> "Rank is but the guinea stamp,
> The man's the gowd for a' that."

The same sentiment underlies and runs through the *First Book of Discipline*, as—(1) when it declares that no man, whether rich or poor, should be allowed to bring up his children according to his own fancy, but ought to be compelled to bring them up in learning and virtue, to the profit of the Church and the commonwealth; (2) when it claims that to ecclesiastical discipline all ranks and classes are subject, rulers and ruled, the preachers as well as the poorest in the Church; and (3) when, in condemning funeral sermons, it assigns as one of the reasons that ministers would either be occupied for the most part in preaching such sermons, or have respect to persons in preaching

at the burial of the rich and honourable and keeping silence at the death of the poor and despised.[1]

In the *First Book of Discipline* the claims of the poor are urgently and tenderly pressed. The Reformers were very far from pleading for the lazy beggars who were able to work and would not; but they were genuinely anxious that the widows and the fatherless, the aged, the feeble and the lame should be sustained in comfort. And, in the matter of teinds, those in place and power were entreated to have respect to their poor brethren, the labourers of the ground, whose lives had been made dolorous and bitter "by these creuell beastis the Papistis"; and those gentlemen were denounced who were exacting as much as had formerly been paid to the Church.[2]

In sanitary as well as in educational matters the Reformers appear to have been a long way ahead of their time. In 1904 five pre-Reformation stone coffins were found in the chapter house of St. Andrews cathedral. They were *in situ*, and so near the surface that the stone covers had formed part of the floor. Four of them had a drainage hole in the bottom; and, as far as a careful examination of the upper edges of the coffins showed, only one of the five had had its cover bedded in lime. In the *First Book of Discipline* burial in churches is objected to, and the suggestion is made that burying-grounds should be in a secluded and

[1] *Supra*, pp. 518, 267, 311. [2] Laing's *Knox*, ii. 200, 201, 221, 222.

convenient situation, "lying in the most free air," well fenced, and used for no other purpose.[1] And in 1563 the general assembly gave instructions that the dead should be buried "saxe foot under the eird,"[2] a depth which is not insisted on even in the twentieth century.

It is evident from the *Confession of Faith*, the *First Book of Discipline*, and Calvin's admirable *Catechism* (which was long used as a manual of instruction), that a high moral ideal was set before the people; and the records of the Church-courts show that it was not only set forth, but that strenuous and persistent efforts were made to impose it upon the whole nation. The Church-courts could not compel the people to be religious, but they could insist and did insist on Church attendance. They could not make the people holy, but they could deal, and did deal rigorously, with those who sinned openly, whether those sinners acknowledged the jurisdiction of the Church or not. And they dealt, not only with manifest and open sin, but tried hard to remove bitter and ill-feeling on the part of communities or individuals. In 1563 the general assembly desired the superintendents of Fife and Forfarshire "to draw the townes of Dundie and Sainct Johnstone to agreement."[3] Those who were at variance with their neighbours were not allowed to approach the Lord's table until they were reconciled. Efforts

[1] *Laing's* Knox, ii. 251. [2] *Booke of the Universall Kirke*, i. 43.
[3] *Booke of the Universall Kirk*, i. 35.

were also made to reconcile ill-matched or quarrelsome couples. These efforts were sometimes, though not always, crowned with success. A jealous husband, who was reconciled to his wife by the kirk-session of St. Andrews, kissed and embraced her "and drank to hyr," as a sign of concord, amity, and remission of all displeasure.[1] Such a sign would hardly commend itself in these days of aggressive temperance; and if the members of that old kirk-session could revisit the city in which they laboured so anxiously, they would probably explain that this sign was one of the ceremonies referred to in the *Confession* of 1560, which were but temporal and ought to be changed when they did not edify the Kirk which used them.[2]

The people were not only catechised in their youth, and instructed from the pulpit all through life; but were examined as to their knowledge before they were admitted to the Lord's table, and before they were married. For example, in 1579, the kirk-session of St. Andrews resolved that in future no couple should be married unless

[1] *Register of St. Andrew's Kirk-Session*, i. 169.—Other kirk-sessions adopted the same sign, see, *e.g.*, *Maitland Miscellany*, i. 132.

[2] Burns heartily approved of the old plan not merely as a sign of concord but as a means of restoring peace—

> "When neebors anger at a plea,
> An' just as wud as wud can be,
> How easy can the barley-brie
> Cement the quarrel!
> It's aye the cheapest lawyer's fee,
> To taste the barrel."

they could repeat the Lord's Prayer, the Creed, and the Ten Commandments;[1] and fifteen years later it was ordained that any candidate for marriage, who could not repeat these, should not only be debarred from marriage, but should be fined forty shillings. Thus it was that a foundation was laid for family religion.[2]

In those days it was sometimes absolutely necessary that ministers should preach to the times. When danger threatened or the path of duty was not clear, the people were glad to have the advice of pastors whom they trusted and respected, whether the crisis was in the Church or State. Preaching to the times was not, however, the main purpose of the pulpit, nor was the high-toned morality which was insisted on. The supreme place was given to the faithful preaching of the Gospel of Christ. Without that the Church could not have fulfilled her chief function. Neither could she have retained the confidence of her flocks, nor could the people have stood true in the day of trial. The power of the pulpit was not weakened then, as now, by loose views on the inspiration of Scripture. The preachers had a definite message, and those who had come through the struggle of the Reformation could not help being in earnest. Knowing from bitter experience what the papacy really was, they were anxious to snatch men as brands from the burning. They realised that the Gospel of Christ is the power of God unto salvation to every

[1] *Register of St. Andrew's Kirk-Session*, i. 439. [2] *Ibid.* ii. 794.

one that believeth—that by it, and by it alone, the heart of a sinner can be purified, his affections cleansed, his flesh subdued, and his mind set on good works.

The single-minded earnestness of the martyrs and reformers, their self-sacrificing devotedness, their example and their teaching, helped to mould the character of the nation. Their principles and their teaching were perpetuated by generations of faithful men. And when the *Westminster Confession* was approved of by the general assembly of the Church of Scotland in 1647, as the chief part of the uniformity in religion aimed at through the Solemn League and Covenant, it was accepted as "in nothing contrary to the received doctrine, worship, discipline, and government of this Kirk." The *Confession* of 1560 was not formally laid aside, and its parliamentary ratifications of 1567 and 1581 were not repealed until 1906.

If for that endurance and tenacity of purpose for which the Scots are distinguished, they are indebted to their long-continued struggle with the English, if for their thrift, to their almost ceaseless fight with poverty, they derived at least their moral grit from the Reformation. For brilliant examples of moral courage and steadfastness to principle, it is not necessary to go back to Patrick Hamilton, to Knox, or to Melville. Their nobler qualities were reproduced in the Covenanters of the seventeenth century—in men of the humblest rank, who unshrinkingly faced

persecution, torture, and death, rather than deny or quit one of the least of Christ's truths. Even women faced the scaffold and the stake for controverted or despised truths. By such sufferers the heritage of the Reformation was mightily increased. The Church is not entitled to be vain or to boast of her martyrs, but she ought to be thankful for them; and the memory of what they did and what they endured, in order to hand down the testimony unimpaired to their successors, ought to be an incentive to us to contend earnestly for the faith once delivered to the saints. In this matter we have a duty to discharge to succeeding generations as well as to God; and, if we follow the example of the Covenanters, we shall contend not only for vital truths, but for all revealed truths, even for those that are despised and most called in question.

The more immediate heirs of the Scottish Reformation are the various branches of the Presbyterian Church in the old country. But wherever Scotsmen have gone—and where have they not gone?—they have taken their Presbyterianism with them, so that in the words of the Psalmist—

> "Their line is gone out through all the earth,
> And their words to the end of the world."

In Scotland, as in other countries, the heirs of the Reformation have not always seen eye to eye; but nearly all those who have split off from the main stem have retained Presbyterian

government, and adhere more or less rigidly to the same doctrinal standards, and look back towards the Reformers and Covenanters as their common predecessors. Even when the shattered sections of our National Presbyterian Zion have felt most bitterly towards one another, they have never reached the degree of rancorous violence displayed by the clergy of the undivided pre-Reformation Church of Scotland, who did not limit their action against one another to the use of excommunication and other spiritual weapons, but occasionally condescended to bloodshed and murder.

APPENDIX A (p. 45).

Presentation of Archibald Hay to the Principalship of St. Mary's College.

"Presentatio Magistri Archibaldi Hay super principali loco seu gubernatione Noui Collegii infra civitatem Sanctiandree fundati et situati de Assumptione Nostre Domine, alias lie Pettecoge nuncupati, cum illum principalem locum vacare contigerit, per resignationem, cessionem, dimissionem, aut decessum Magistri Roberti Banerman nunc principalis regentis ejusdem, seu alias quovismodo vacante, ad presentationem regine et collationem ordinariam vicarii generalis Sanctiandree sede ejusdem vacante, spectante, etc. Apud Edinburgh, penultimo Junii, anno predicto [1546]. Per signaturam" (*Register of the Privy Seal*, xx. 25).

Translation.

Presentation of Mr. Archibald Hay to the principal place or government of the New College of the Assumption of Our Lady, otherwise commonly called the Pettecoge (the Pædagogium or Pedagogy), founded and situated in the city of St. Andrews, when it shall happen that that principal place is vacant by the resignation, retirement, demission, or death of Mr. Robert Banerman now principal regent of the same, or when it is otherwise vacant in any manner, pertaining to the presentation of

the queen and the ordinary collation of the vicar-general of St. Andrews, the see of the same being vacant, &c. At Edinburgh, the 29th of June, in the aforesaid year 1546.

APPENDIX B (pp. 42–64).

Lists of the Sons and Daughters of the Celibate Clergy of Scotland recorded to have been legitimated between the years 1529 and 1559.

In the ranks of the papal clergy, from the highest to the lowest, there were many who had been born out of wedlock. For the defect of birth, the legate had the power of dispensing, so as to admit such men to take orders or hold benefices; but when they died their succession fell to the Crown as *ultimus hæres*, unless they had been legitimated by the civil authority. If their progeny died without leaving lawful issue or without being legitimated, the same law of succession came into operation; and so, to get rid of this disadvantage, vast numbers of priestly bastards were formally legitimated. In the process of legitimation, whether the bastards were those of laymen or of clerics, there were several steps. A signature was directed to the keeper of the signet. To a Latin precept from him the privy seal was applied, but the grant was not completed until the great seal had been attached. As the *Register of the Great Seal* was a voluntary register, many of the Crown grants under that seal are not recorded in it. At the intermediate stage, however, they should all have been recorded in the *Register of the Privy Seal*, but as a

matter of fact they were not. Mr. Livingstone, in his preface to the only volume of it which has yet been printed, explains that "it was the practice of the compilers of this and other public records of Scotland to retain the warrants, sometimes for considerable periods, without registration, and on registration to enter them without regard to the order of their dates"; and that although this record, with certain exceptions and occasional gaps, is entire and on the whole very well preserved, it is clear "that there are throughout many missing links, many warrants unrecorded." Mr. Livingstone's printed volume includes practically the first seven and a half of the MS. volumes, and extends from 1488 to 1529.[1]

In the years which immediately follow, whatever the reason may be, there are far more precepts of legitimation recorded in the *Register of the Privy Seal*. I have examined these MS. volumes one by one, and taken notes of all the precepts as far as they relate, or may be supposed to relate, to the children of the clergy legitimated before the Reformation, that is, from the summer of 1529 to the summer of 1559, a period of thirty years. The names of the mothers are rarely given, but the names of the fathers almost always. In many instances the designations of the fathers are so plain and definite that there is no room for dubiety as to the ecclesiastical positions they occupied. These are brought together in List I. A considerable number, however, have no designation beyond that of *Dominus* prefixed to the Christian name. At that period, priests who had not taken the M.A. degree usually had *Sir* prefixed to their Christian names if in the vernacular, or *Dominus* if in Latin. *Dominus* was also applied to a

[1] *Registrum Secreti Sigilli Regum Scotorum*, vol. i., 1488–1529. Edited by M. Livingstone, I.S.O., late Deputy-Keeper of the Records.

lord, but in such a case it did not precede but followed the Christian name. A knight usually had *knight* after his name in the vernacular; *miles*, if in Latin. Those who have no designation except *Dominus* prefixed to the Christian name were, I believe, clergymen, and are therefore grouped in List II. Over and above these, there are many who simply have the word *Magister* prefixed to the Christian name as their only designation. I strongly suspect that not a few of them also were clergymen, but as there is room for uncertainty I have not made a list of them. It may be mentioned, however, that their children are eighty in number.

The entries in List III. and List IV. are from the printed *Register of the Great Seal*. These ought to have been in the *Register of the Privy Seal*, but are not; and so List III. supplements List I., and List IV. supplements List II.

In looking over the lists, it will be observed that in a few instances two entries in the same register refer to the same children, but, after making due allowance for these, the numbers are truly appalling. In using the word *children*, I do not wish to convey the idea that those legitimated were infants or minors. Not infrequently they had their own offspring legitimated at the same time.

The bare fact that those persons required to be legitimated is sufficient proof that they were illegitimate, but the precepts and letters of legitimation were very emphatic. Though summarised by the scribes of the registers, they are still explicit enough on that point, generally describing the persons, not merely as natural sons and daughters, but also as bastards. The mere omission of the word *bastard* in the registers does not imply that the individual was not a bastard. For example, in the *Register of the Privy Seal* three sons of

Cardinal Betoun, on 4th November 1539, are merely described as his natural sons, but the same three are described on the same date in the *Register of the Great Seal* as bastards, natural sons. In my English summaries of the entries, I have omitted these and other non-essential words to save space; but have given a few of the entries in Latin as examples.

The clergy in these lists range, through a score of grades, from the cardinal to the curate. No fewer than ten are bishops, and of abbots there are nearly as many. The rectors are numerous, the vicars more so, and the chaplains outstrip them all. It may be noted that only three are entered as canons, only one as a monk, and not one as a friar.[1]

Cosmo Innes printed from the notebook of a Roman notary preserved in the Register House, "a curious dispensation granted by the pope himself to Robert Schaw, then in his eighteenth year, suffering the defect of birth as *soluta genitus*, to take all the orders, and to hold the canonry of Menmure, in the cathedral of Dunkeld, notwithstanding of his father being a canon of the same church, provided he do not celebrate the service of the altar along with his father, nor succeed him in his benefices."[2] The pious Papists of a much earlier age had objected against the married clergy of the Culdean Church that sons inherited the benefices of their fathers. The following lists show that the son of an unmarried priest might hold the benefice which his father had held before him.

[1] In 1573 the Regent Morton said that most of the canons, monks and friars "within this realme" had made profession of the true religion; and he suggested that they might be utilised as readers (*Booke of the Universall Kirk*, i. 280).

[2] *Liber Officialis Sancti Andree*, pp. xxviii., xxix. For the dispensation itself, which was granted on the 15th of February 1550–51, see *ibid.*, pp. xlviii., xlix.

Robert Schaw does not appear in any of the following lists. This is one proof that all the grown-up sons of the clergy were not legitimated, or, if so, the steps in the process were not recorded; and there are other proofs. Three of Bishop Montgomery's sons, Michael, Robert and Hugh, were legitimated on the 9th of July 1543; and, at the same time, Alexander Michael son of Dominus John Michael chaplain; but the fact is not recorded in either of the registers from which my lists are compiled. In the letters of legitimation in their favour, which are in existence, other three Montgomeries are included, and full power is given to them all to dispone their lands, heritages and goods, and to perform lawful acts of every sort as if they had been born legitimate; and, to quote Sir William Fraser's summary, it is ordained "that if it should happen that they or any of them should die without lawful heirs and intestate, they should be heirs to and succeed each other; and if they should all die without lawful heirs and intestate, the nearest relations on the father or mother's side should be their heirs."[1]

When some of the acknowledged sons of the clergy were not legitimated, or their legitimations unregistered, it is not surprising to find that most of the daughters were not recorded. For example, there is no record of the legitimation of Archbishop Forman's daughter Jhane, whom he so amply dowered.[2] In List I. there are 329 sons and only 46 daughters. And in the Supplementary List III. there are 16 sons. If we suppose that the male and female children of the clergy were born in nearly equal proportions, here are three hundred daughters of whose legitimation there is no record.

[1] The document is printed *in extenso* in Fraser's *Memorials of the Montgomeries*, ii. 127–129.—Argyle was Bishop Montgomery's see.

[2] See *infra*, p. 577.

One quotation may be given to show what befell the property of a man who was born out of wedlock and died unlegitimated—

"Ane lettre maid to Matho Hammiltoun of Mylburne, his airis and assignayis ane or ma, off the gift of the eschete of all gudis, movable and unmovabill, landis, heretagis, annualrentis, dettis, takkis, obligationis, sowmis of money, gold, silver, cunyeit and uncunyeit, takkis, stedingis, rowmis, possessionis, and uthiris gudis quhatsumevir, quhilkis pertenit to umquhile Androw Wilsoun, convent barbour of Balmerynoth, and now pertenyng, or ony wys salhappin or may pertene, to oure soverane lady and becumin in hir handis be resoun of eschete, throw being of the said umquhile Androw borne bastard and, deceissand bastard unlegitimat, quhairthrow his haill landis and gudis ar becumin in oure said soverane ladyis handis, and pertenis to hir hienes, be the previlege of the law grantit to the croune upoun the eschete of bastardis. With power, etc. At Striuiling, the sex day of Januar, the yeir of God j m. v^{c} fyfty tua yeris. *Per signaturam.*"[1]

Mr. George Cuyk, canon of Dunkeld, was scribe of the sixteenth volume of the *Register of the Privy Seal.* On the fly-leaf at the end of the volume there is written in a bold hand what may perhaps be regarded as an ecclesiastic's candid opinion of the fair sex—

"A faire huire is a suete poyson.

"Women in mischeif ar wyser than men.

"Women is moir pietefull than men, moir invyous than a serpent, moir malycious than a tyraunt, moir deceytfull than the devill.

"Woman's counsale is waike and a chyldis unperfyte.

"Woe be to that cietie quhair a woman beirith rule.

"It is better to be in companye with a serpent than with a wikit woman."

[1] *Register of the Privy Seal*, xxv. 43.

LIST I

From the MS. "Register of the Privy Seal."[1]

1529, June 2.—Mr. Bernard Bailze son of quondam Mr. Cuthbert Bailze, Commendator of Glenluce. viii. 52.

June 3.—Thomas Mureley son of quondam Dominus William Mureley chaplain. viii. 103.

Aug. 4.—Donald, John, Elizabeth and Jonet Schand, sons and daughters of Mr. Robert Schand, rector of Alues.[2] viii. 78.

Aug. 10.—Dominus Alexander and Dominus Thomas Gray, chaplains, sons of quondam Dominus William Gray, vicar of Rosmarky. viii. 81.

Sept. 3.—James, John, and Margaret Modrak, sons and daughter of Dominus Laurence Modrak, chaplain. viii. 196.

Dec. 26.—Thomas Quhite son of Dominus Patrick Quhite chaplain, viii. 155.

Dec. 30.—Thomas Clerkson son of Dominus William Clerkson chaplain. viii. 155.

1529–30, Jany. 7.—Andrew, Alexander and Jasper Buchan, sons of Dominus Alexander Buchan, canon of the chapel-royal Stirling, viii. 128.

Feby. 5.—*Alexander, James and Ade Colquhoun, sons of Mr. Ade Colquhoun, rector of Stobo. viii. 145.[3]

March 1.—Dominus Andrew Wischert chaplain son of quondam Dominus Henry Wischert chaplain. viii. 151.

March 2.—John Knok son of Dominus Matthew Knok chaplain. viii. 158.

[1] The numbers appended to each entry indicate the volume and folio of the register. An asterisk prefixed to an entry denotes that there is a corresponding entry with the same date in the printed *Register of the Great Seal*. The entries in the printed register are easily found, as they are arranged chronologically.

[2] May be read *Alnes*.

[3] In the *Register of the Great Seal* the names of only two of the sons are given, viz. James and Ade; but the words are added, "*ac eorum alteri*."

1529–30, March 14. — John Fethe son of Dominus John Fethe vicar of Cravmond. viii. 163.

March 16.—John Guthre son of Dominus James Guthre vicar of Kirkbuddo. viii. 172.

March 21.—Dominus John Coluile son of quondam Dominus George Coluile chaplain. viii. 164.

March 21.—John Andersoun *alias* Leslie son of quondam Dominus [*blank*] Andersoun *alias* Leslie chaplain. viii. 191.[1]

1530, May 21.—John Ker son of quondam Mr. William Ker rector of Ald Roxburgh. viii. 190.

Aug. 26.—David Scot son of Dominus Henry Scot chaplain. viii. 202.

1530–31, Jany. 20.—"Preceptum legitimationis Ade Reid, et duorum aliorum, bastardorum, filiorum naturalium Domini Johannis Reid capellani." ix. 49.

March 5.—"Preceptum legitimationis Georgii Betoun, Elizabeth Betoun, et Mar^te^ Betoun, bastardorum, filii et filiarum naturalium Dauid, Abbatis de Abirbrothok."[2] viii. 238.

1531, April 21.—George Scherare son of Dominus Andrew Scherare chaplain. ix. 7.

May 10.—Dominus Thomas Adamsoun chaplain son of quondam Dominus Canecy (? Kenneth) Adamsoun chaplain. ix. 14.

Aug. 13.—John Pulsoun son of quondam Dominus John Pulsoun chaplain. ix. 37.[3]

Aug. 13.—Mr. Thomas Kincragy son of Dominus James Kincragy, Dean of Aberdeen. ix. 41.

Sept. 26.—Dominus John Scherar son of quondam Dominus Alexander Scherar vicar of Ardoth. ix. 47.[4]

[1] This is entered again on fol. 242, but the word *capellanus* is omitted. See List II. under same date.

[2] David Betoun, Abbot of Arbroath, afterwards cardinal, was made "kepar of our soverane lordis prive sele for all the dais of his liffe," on the 3rd of January 1528–29 (Printed *Registrum Secreti Sigilli*, i., No. 4019). The contracted form in which the Christian name of the second daughter in this entry is given may be read as the genitive of either *Mariota* or *Margareta*. He had a daughter Margaret (*supra*, p. 46).

[3] See List II. under same date.

[4] *Ardoth* may be read *Ardoch*.

1531–32, Jany. 7.—Eufamie Oliphant daughter of quondam Dominus Patrick Oliphant chaplain. ix. 66.

Jany. 8.—John Rattar son of quondam Mr. Alexander Rattar vicar of Kilmale. ix. 67.

Jany. 31.—Thomas and Henry Keir sons of Dominus Walter Keir chaplain. ix. 156.

March 21.—Dominus Thomas Aysoun son of quondam Dominus James Aysoun chaplain. ix. 112.

1532, April 10.—Thomas Thomsoun son of quondam Dominus Thomas Thomsoun vicar of Wardlaw. ix. 98.

April 12.—*Dominus John Makallane chaplain son of Dominus Michael Makallane chaplain. x. 58.[1]

May 7.—John Drummond son of Dominus William Drummond, Dean of Dunblane. ix. 116.

Sept. 30.—Patrick Trippis son of quondam Dominus Andrew Trippis chaplain. ix. 165.

Oct. 20.—William M^{c}Alester Makrory and John M^{c}Alester Makrory sons of Dominus Alexander Rorisoun vicar of Dingwell. ix. 150.

Nov. 18.—Andrew, John and Alexander Cuthbert sons of Dominus John Cuthbert chaplain. ix. 161.

1532–33, Jany. 1.—James Balcome son of quondam Dominus Archibald Balcome vicar of Kincardin. ix. 191.

1534, June 10.—* William Blakwod son of Dominus James Blakwod vicar of Strowane. x. 98.[2]

1535, March 25.—Isabel Creichtoun daughter of quondam Dominus John Creichtoun chaplain in Tulybody. x. 29.

June 21.—Elizabeth Gordoun daughter of quondam Mr. Ade Gordoun, Dean of Cathenes. x. 9.

Dec. 6.—George Cottis son of Dominus James Cottis rector of Castaris. x. 87.

1535–36, Jany. 2.—Andrew Hamiltoun son of Alexander, Abbot of Kilwynnyng. x. 86.

Jany. 6.—Mr. William Hammyltoun son of quondam Dominus Peter Hammyltoun chaplain. x. 151.

[1] *Nicholas* instead of *Michael* in the *Register of the Great Seal.*

[2] This is under 10th June 1535 in the *Register of the Great Seal.*

1535–36, Feby. 20.—John Carnis son of Dominus John Carnis chaplain. x. 176.

Feby. 29.—Dominus Thomas Suthirland chaplain son of quondam Dominus Alexander Suthirland vicar of Innernys. x. 89.

1536, June 4.—Quintin, James and John Hammyltoun, sons of Dominus William Hammyltoun chaplain. x. 169.

July 1.—* Mr. Robert and Laurence Creichtoun, brothers, sons of quondam Mr. William Creichtoun rector of Sanquhare. x. 177.

Aug. 28.—John Forestare son of Robert, Abbot of Balmerino. x. 169.

1537, Sept. 2.—* John, Andrew and Isabel Carncors, sons and daughter of Robert, Abbot of the monastery of Holyrood near Edinburgh. xi. 37.

1537–38, March 24.—James Runseman son of Dominus David Runseman chaplain. xi. 57.

March 24.—Emily Wynsister daughter of quondam Dominus William Wynsister, Sub-dean of Moray. xi. 57.

1538, March 27.—James Scott son of Dominus John Scott vicar of Hawik. xiii. 3.

April 4.—Andrew Fyffe son of Dominus Walter Fyfe chaplain. xi. 69.

April 23.—* Alexander Roust son of quondam Dominus Robert Roust chaplain. xi. 77.

June 28.—David, Magnus, James and Nicholas Cragy, sons of Dominus Magnus Cragy, vicar of Rasay. xii. 44.[1]

July 15.—* Mr. Malcolm Rotter son of quondam Dominus Andrew Rotar vicar of Halkirk. xii. 14.

Nov. 3.—* William and John Ker sons of Dominus John Ker chaplain. xii. 40.

Dec. 9.—* James Mailuile and Thomas Mailuile sons of Dominus James Mailuile chaplain. xii. 41.[2]

1538–39, Jany. 11.—* Patrick and William Blacader sons of Adam, Prior of Coldingham. xii. 55.

[1] *Rasay* may be read *Ramsay*.

[2] The *Register of the Great Seal* supplies the additional information that the father was chaplain in Kirkcaldy.

1538–39, Feby. 10.—* John Michelsoun son of Dominus Andrew Michelsoun chaplain. xvii. 67.[1]

March 12.—David Lausoun son of Dominus Richard Lausoun chaplain. xii. 92.

1539, June 5.—John and William Gray sons of quondam Dominus William Gray chaplain vicar of Rosmarke. xiii. 7.

July 24.—* John Lang son of quondam Dominus Thomas Lang chaplain. xiii. 36.

Sept. 9.—*William and James Hay sons of Dominus Thomas Hay vicar of Duffous. xiii. 26.

1539, Sept. 26. — James Wilsoun son of Dominus John Wilsoun chaplain. xiii. 30.

Oct. 3.—John Bynnyng son of Dominus Gilbert Bynnyng chaplain. xiii. 32.

Oct. 14.—Hector Be son of Dominus Thomos Be chaplain. xiii. 31.

Nov. 2.—Thomas Wemys son of Mr. John Wemys vicar of Dalmellintoun. xiii. 52.

Nov. 4. — * "Preceptum legitimationis Jacobi Betoun, Alexandri Betoun et Johannis Betoun, filiorum naturalium Dauidis, Archiepiscopi Sanctiandree." xiii. 34.[2]

1539–40, Feb. 16.—James Scharpro son of Dominus William Scharpro chaplain. xiii. 82.

Feb. 18.—Robert Nicholsoun son of Mr. David [Nicholsoun vicar of Mareculter]. xiii. 74.[3]

Mar. 5.—Dominus James Duff chaplain son of quondam Dominus Andrew Duff chaplain. xiii. 82.

Mar. 23.—Alexander and Mariota Reyd son and daughter of Mr. John Reid, Chancellor of Aberdeen. xiii. 73.

[1] The *Register of the Great Seal* has *presbyter* instead of *chaplain*.

[2] The corresponding entry with same date in the *Register of the Great Seal* is — "Rex dedit literas legitimationis Jacobo Betoun, Alexandro Betoun et Johanni Betoun, bastardis, filiis naturalibus Davidis, Archiepiscopi Sancti Andree."

[3] On the 5th of the following March, this Mr. David Nicholsoun, vicar of Mareculter, and his said son, Robert, were made conjointly and severally sheriff-clerks of the sheriffdom of Aberdeen (*Register of the Privy Seal*, xiii. 74)

1540, Dec. 23.—* William and David Dunvne sons of Donald, Abbot of Ferne. xiv. 6.[1]

1540–41, Feb. 24.—* John and James Rowle sons of John, Prior of Pettinweme. xiv. 75.

Mar. 15.—Dominus John Quhite son of quondam Dominus John Quhite chaplain. xiv. 72.

1541, April 20.—* Alexander Carpentyne son of Mr. John Carpentyne vicar of Linthrethen. xv. 65.

May 14. — John Ruyerfurd son of Dominus William Ruyerfurd chaplain. xiv. 91.

June 15.—Mr. Robert and Alexander Lyoun sons of Mr. Alexander Lyoun, rector of Tureff. xv. 59.

Sept. 15.—* William Dauidsone son of Dominus George Dauidsone chaplain. xv. 35.[2]

Oct. 22.—James, Matthew, and Jonet Stewart, sons and daughter of Mr. Adam Stewart, rector of Stronsay. xv. 44.

Nov. 14.—Mr. James Grantuly rector of Glas son of Dominus William Grantuly vicar of Deir. xv. 55.

Dec. 3.—* George Abirnethy son of quondam Mr. Robert Abirnethy rector of Bute. xv. 52.

1541-42, Jany 2.—John Hammyltoun of Aikintebir son of Alexander, Abbot of Kilwynnyng. xv. 68.

Jany. 22.—* John and William Lumisdene sons of Mr. Thomas Lumisdene chaplain. xv. 94.

Feby. 14.—* Mariot Schaw daughter of quondam Mr. Robert Schaw rector of Rattray and succentor of Dunkeld. xv. 88.

March 2.—Mr. John, Mr. Alexander and Matthew Hume sons of John, Abbot of Jedburgh. xvi. 47.

1542, May 11.—Patrick and William Blacader sons of Ade, Prior of Coldinghame. xvi. 4.[3]

[1] May be read *Dunvue*. In the *Register of the Great Seal* the corresponding entry is under 23 December 1539, and the surname is given as *Dunune*.

[2] Regnal year 28. Placed here according to the A.D.—In the *Register of the Great Seal* it is under 15th August 1541.

[3] See entry under 11th January 1538-39.

1542, May 20.—Dominus Robert Robertsoun, chaplain, son of quondam Dominus James Robertsoun chaplain. xvi. 10.

June 30.—Mr. Andrew Montgomery vicar of Stewartoun son of Mr. George Montgomery rector of Eglishame. xvi. 22.

July 7.—* Thomas Renfrew *alias* Vicare son of quondam Dominus John Renfrew vicar of Rothmurzell. xvi. 27.[1]

July 17.—Humphrey Thomson son of Dominus David Thomsoun chaplain. xvi. 40.

Sept. 2.—* Patrick Hogstoun son of Mr. George Hogstoun vicar of Forg. xvii. 62.[2]

Sept. 25.—* "Preceptum legitimationis Johannis Stewart, thesaurarii Abirdonensis, bastardi, filii naturalis reverendi in Christo patris, Willelmi, Abirdonensis Episcopi." xvi. 56.

Oct. 10.—* David Culquhoun son of quondam Mr. James Culquhoun vicar of Dunlop. xvi. 46.

Nov. 20.—Dominus William Raphen son of quondam Dominus William Raphen vicar of Fordice. xvi. 89.[3]

1542–43, Feby. 1.—John, Matthew, Thomas, and James Hepburn sons of the reverend father in Christ, John, by the divine compassion, Bishop of Brechin. xvi. 84.[4]

[1] *Rothmurzell* may be read *Rochmurzell.*

[2] No A.D. given. A.R. 30, but there was no 2nd of September in the thirtieth regnal year of James v. In the *Register of Great Seal*, A.D. 1542 is given.

[3] This entry has apparently been repeated on the first folio of vol. xvii. That folio and the seven which immediately follow have been badly torn, and the entry is fragmentary.

[4] This Bishop of Brechin died in 1558, as also did Andrew Dury, Bishop of Galloway. In referring to them, Bishop Lesley uses the words—"Viri doctrina, pietateque excellentes, hujus vitæ spatio decurso, ad coelites quoque migrarint" (*De Origine*, 1675, p. 498); which Father Dalrymple renders thus—"Baith excellent men in lerning and pietie, leiveng the course of this lyfe tha pas to the hevinis" (Dalrymple's *Lesley*, ii. 386). In noticing their deaths in his vernacular *History* (p. 267), Lesley is discreetly silent concerning their virtues. The posthumous praise in Latin was printed at Rome in 1578, and so not intended for home consumption. On the 25th of May 1541, Andrew Dury, Abbot of Melrose, got a gift of the temporality of the bishopric of Galloway, and abbacy of Toungland united and annexed thereto, from

1543, April 27. — * Robert, John, John and James Hammiltoun, sons of Mr. Arthur Hammiltoun, Provost of Hammiltoun. xvii. 53.[1]

July 7.—* Alexander and John M^c^Culloch sons of Dominus James M^c^Culloch chaplain. xvii. 68.

July 11.—* "Preceptum legitimationis Willelmi Vaus, et sue sororis, bastardorum Magistri Johannis Vaus rectoris de Wigtoun." xvii. 71.[2]

July 15. — * Archibald and Margaret Watsoun son and daughter of Dominus Thomas Watsoun chaplain. xvii. 71.

Sept. 15.—Matthew Vaus son of quondam Dominus Magnus Vaus, Commissary of Innernys. xviii. 1.[3]

Sept. 30.—* Peter and Henry Dury sons of Dominus George Dury, Archdeacon of St. Andrews and Commendator of Dunfermline. xviii. 78.

Oct. 6.—* Mr. James M^c^Dowell chaplain son of quondam [*blank*] M^c^Dowell chaplain. xviii. 5.

Dec. 6.—William Kellie son of Dominus George Kelle chaplain. xviii. 26.

Dec. 15.—Thomas Flemyng son of quondam Dominus Thomas Flemyng chaplain. xviii. 13.

1543–44, Feby. 20.—* Dominus Nicholas Ros chaplain of Dunskeith son of quondam Dominus Alexander Ros chaplain of Dunskeith. xviii. 32.

March 8. — Mr. John Hepburn son of quondam the reverend father in Christ James Hepburn, Bishop of Moray. xvii. 57.

1544, March 28.—* Donald Fresall and three other sons

the time that the same had been in the king's hands through the decease of Henry, Bishop of Galloway, and of our sovereign lord's chapel-royal, until the same be lawfully provided of a bishop and pastor (*Register of the Privy Seal*, xv. 7). The bulls of Dury's provision to the bishopric were dated 22nd August 1541 (Brady's *Episcopal Succession*, i. 159).

[1] Mr. Arthur Hamilton was Provost of the collegiate church of Hamilton (*Hamilton Manuscripts*, Hist. MSS Com., 1887, p. 21).

[2] The *Register of the Great Seal* gives Margaret as the sister's name.

[3] This commissary also held a rectory (*Register of the Great Seal*, 1513–1546, No. 1400).

(names not given) of Dominus Paul Fresall, Dean of Ross. xviii. 35.[1]

1544, April 18.—Robert and John Don sons of Dominus David Don chaplain. xviii. 45.

June 4.—John Howy son of Dominus John Howy vicar of Kilmawris. xviii. 52.

1544–45, Feby. 13.—Alexander Stewart son of quondam Alexander, Bishop of Moray. xviii. 112.

Feby. 16.—Martin Edward son of Dominus David Eduerd vicar of Strikmartyne. xviii. 116.

1545, July 10. — William and Margaret Vaus son and daughter of Mr. John Vaus rector of Wigtoun. xix. 23.

Aug. 2. — "Preceptum legitimationis Dauidis Betoun, Jacobi Betoun, Alexandri Betoun, et Johannis Betoun, filiorum naturalium Dauidis, Sanctiandree Cardinalis, &c." xix. 25.[2]

Aug. 22.—Peter Baillie son of Dominus William Baillie chaplain. xix. 38.

Sept. 30.—John Knok son of Dominus Adam Knok chaplain. xix. 38.

1545–46, Jany. 23.—Henry and Nicholas Thorntoun sons of Mr. John Thorntoun precentor of Moray. xix. 73.

Feby. 1.—John Menzeis son of Mr. Robert Menzeis "clericus" of Dow. xx. 15.

[1] In the *Register of the Great Seal* the names of the other sons are given as Robert, William, and John.

[2] In the charter of 15th March 1545–46, by which the cardinal makes over the whole kirklands of Aberlemno to David Betoun of Melgund, and the lawful heirs-male of his body, whom failing to James Betoun his brother-german, whom failing to Alexander Betoun, their brother-german, David Betoun is described as the cardinal's *kinsman* (*Laing Charters*, No. 512). This David was one of Marion Ogilvy's sons (*supra*, p. 46). The Duke of Lauderdale is credited with the saying that there was more of the cardinal's "blood running in the veins of the nobility of Scotland than of any one single man since his time" (Macfarlane's *Genealogical Collections*, Scottish History Society, i. 10). Macfarlane states that Marion Ogilvy had four sons and three daughters to the cardinal; and names—David, Archibald, James, John, Margaret, and Mary (*ibid.* pp. 8, 9).

1546, May 18.—* William and Ninian Rowll sons of John, Prior of the monastery of Pettinweme. xx. 11.

June 26.—Charles, Nicholas, Barclaw and Thomas Halcorne, brothers, sons of Dominus Ninian Halcorne vicar of Kirkmadyin. xx. 28.

July 20.—* Andrew Clerk son of Dominus William Clerk chaplain in Banff. xx. 35.

Sept. 26.—* William Annand son of Dominus Edward Annand chaplain in Craill. xx. 56.

Oct. 4.—* John Lecheman son of Mr. John Lecheman vicar of Kilmacolme. xx. 53.

Oct. 28.—* John Malcolmsoun son of Mr. Gilbert Malcolmsoun rector of Craginche. xx. 57.[1]

1546–47, Jan. 20.—* James Lindesay son of quondam Walter, Lord of St. John. xx. 80.[2]

Jan. 22.—John Hammiltoun son of a reverend father in Christ, John, Bishop of Dunkeld. xxi. v.[3]

March 18.—George Thane son of Dominus Archibald Thane chaplain. xx. 95.

1547, April 18.—Richard Lychman *alias* Lwyk son of Dominus Henry Lychman *alias* Lwyk curate of Linlithquhow. (*Lichtman* in margin.) xxi. 11.

Aug. 26.—Mr. Alexander Forester, and Jonet Forester spouse of John Fothringhame burgess of Dundee, son and daughter of Robert, Abbot of Balmerynoch. xxi. 41.

Oct. 5.—Robert and Margaret M^{c}Nair son and daughter of Dominus Robert M^{c}Nair rector of Assent. xxiii. 89.

Nov. 4.—* Margaret Stewart relict of quondam Mr. John Aytoun in Kynnaldy, daughter of quondam the reverend father in Christ, Alexander, Bishop of Moray and Commendator of the monastery of Scone. xxi. 52.[4]

[1] See List II. under same date.

[2] Walter Lindsay, Lord St. John, was Preceptor of Torphichen and Grand-master of the Knights of Jerusalem within Scotland (Lindsay's *Lives of the Lindsays*, 1849, i. 190).

[3] See under 24th September 1548.

[4] Margaret Stewart afterwards married John Wynram, Superintendent of Fife (M'Crie's *Melville*, 1824, i. 191). It was evidently to this

1547, Dec. 8.—Jonet Forestare spouse of John Fothringhame burgess [? of Dundee] daughter of Robert, Abbot of Balmerinoch. xxi. 57.[1]

1547–48, Feby. 12.—Robert and John Dunbar, brothers of Patrick Dunbar, baron of Sanchare, sons of Alexander, Prior of Pluscardin. xxi. 70.

Feby. 27.—"Preceptum legitimationis Alexandri Erskin bastardi filii naturalis venerabilis clerici Magistri Alexandri Erskin, Subdecani Dunkeldensis." xxi. 75.

1548, April 12.—James Gray son of Dominus Hugh Gray chaplain. xxi. 83.

May 15.—Finlay and Thomas Mansoun sons of Dominus Alex. Mansoun chaplain. xxii. 4.

June 26.—Agnes Abircrummy, daughter of quondam the venerable father in Christ, James, Abbot of the monastery of Scone, spouse of William Dury,[2] natural son of William Dury in Dury. xxii. 21.

Sept. 10.—Andrew Laird son of Dominus David Laird chaplain. xxii. 36.

Sept. 13.—Henry Gibsoun son of Mr. David Gibsoun chaplain. xxvii. 10.

Sept. 18.—John and Elizabeth Danielstoun son and daughter of quondam Mr. John Danielstoun rector of Dysart; and Robert Danielstoun son of Dominus Robert Danielstoun now rector of Dysart. xxii. 48.

marriage that Nicholas de Gouda thus referred in 1562:—"While I was there one of these superintendents, a leading man amongst them, a doctor of theology and a monk, then about seventy years of age, was openly married. This was done to enforce by example, as he had often done by precept, their doctrine of the unlawfulness of the vow of chastity, which they are perpetually trumpeting from the pulpit" (Pollen's *Papal Negotiations*, i. 136). She died in March 1573 (Wodrow's *Biographical Collections*, Maitl. Club, i. 469). Wynram died in 1582 (*infra*, p. 633).

[1] This, no doubt, is the Jonet Forester of 26th August. The name of the burgh is omitted.

[2] This William Dury was legitimated at the same time.

1548, Sept. 24.—William Hammiltoun son of the reverend father in Christ, John, Bishop of Dunkeld. xxii. 41.[1]

Nov. 16.—John Drummond son of Dominus Andrew Drummond chaplain. xxii. 65.

1548–49, Jany. 16.—William and Margaret Edmonstoun bastards of Mr. James Edmonstoun rector of Fawla. xxii. 67.

Jany. 21.—*James Scharpro son of Dominus William Scharpro, Preceptor of Trailrow. xxii. 68.[2]

Jany. 26.—Mr. John Stewart son of quondam Mr. Archibald Stewart rector of Kirkmaho. xxii. 71.

March 4.—Andrew Brydy son of quondam Dominus John Brydy chaplain. xxii. 89.

March 12.—James Kennedy son of Dominus Duncan Kennedy prebendary of Monyboll. xxiii. 5.

1549, March 26.—Mr. John, Mr. Alexander and Matthew Hume, sons of the reverend father in Christ, John, Abbot of Jedburgh. xxiii. 4.[3]

[1] This John, Bishop of Dunkeld, was the John Hamilton who afterwards became Archbishop of St. Andrews. His son John will be found under date 22nd January 1546–47. These may be the two sons legitimated on 9th October 1551, designated in the *Register of the Privy Seal* (xxiv. 100), and also in the *Register of the Great Seal*, as John Hammiltoun, junior, bastard, natural son of Grisill Symple, daughter of Robert, Master of Simple, and William Hammiltoun, his brother, also bastard. This is one of the rare instances in which the mother's name is given and not the father's. On the 13th of February 1550–51, the ward and non-entries of Dychmont were gifted to "Johne Hammiltoun, younger, sone to Grisill Symple, dochter to Robert, Maister of Simple, and failyeing of him to William Hammiltoun, his bruther-germane, thar airis and assignais" (*Register of the Privy Seal*, xxiv. 53). On the 13th of November 1548, the marriage of John Symontoun, son and heir of Archibald Symontoun of that ilk, had been given to Elizabeth Hammyltoun, and failing her to Grisill Hammiltoun, and failing her to Jonet Hammyltoun, daughters to umquhile James Hammiltoun of Stanehous, "gottin betwix him and Grisill Sympill his spouse for the time" (*ibid.* xxii. 53). David Hamiltoun son of quondam John Archbishop of St. Andrews was legitimated on 20th April 1580 (*ibid.* xlvi. 108).

[2] May be read *Crailrow*. It is *Trailtrow* in *Register of the Great Seal*.

[3] See entry of 2nd March 1541–42. John Hume son of quondam John Commendator of Jedburgh was legitimated on 20th April 1572 (*Register of the Privy Seal*, xl. 86).

1549, May 8.—Nicholas Bell son of quondam Dominus John Bell chaplain. xxiii. 5.

June 30.—* Robert Fethy son of Dominus Henry Fethy chaplain. xxiii. 19.

Sept. 3.—George and John Blyth sons of Dominus Symon Blyth chaplain. xxiii. 33.

Sept. 8.—Peter, George and John Dury, sons of George, Commendator of the monastery of Dunfermline. xxiii. 36.

Nov. 21.—* John and Alexander Scott sons of Alexander Scott prebendary of the chapel-royal Stirling. xxiii. 50.[1]

Dec. 31.—James Blakwod senior and James Blakwod junior sons of Dominus James Blakwod, Sub-deacon of Dunblane. xxiii. 56.

1549–50, Jany. 23.—John Beittoun son of Dominus Thomas Beittoun chaplain (*Betoun* in margin). xxiii. 59.

Feby. 24.—* Matthew Hereot son of quondam Dominus Andrew [surname not given] chaplain. xxiii. 61.

1550, March 25.—* Florentine Runsyman son of quondam Dominus David Runsyman chaplain. xxiii. 66.[2]

March 28.—Jonet Marser daughter of Dominus John Marser chaplain. xxiii. 75.

April 30.—* Alexander Stewart son of quondam Alexander Bishop of Moray. xxiii. 83.[3]

May 14.—* Jonet and Agnes Hepburne daughters of Patrick, Bishop of Moray. xxiii. 82.[4]

May 16.—John Baillie son of quondam Mr. Bernard Baillie rector of Lammyngtoun. xxiii. 88.[5]

June 8.—William and James Chesholme sons of William, Bishop of Dunblane. xxiii. 95.

[1] John and Alexander, brothers-german in *Register of the Great Seal.*

[2] In the *Register of the Great Seal*, David is described as chaplain in Elgin of Murray.

[3] Mr. John Stewart son of quondam Alexander, Bishop of Moray, was legitimated on 8th December 1563 (*Register of the Privy Seal*, xxxii. 15).

[4] Agnes Hepburne daughter of quondam Partrick, Bishop of Moray, was legitimated on 8th February 1587–88 (*ibid.* lvii. 9).

[5] The Christian name of the son legitimated on this date is given as Thomas in the *Register of the Great Seal.*

1550, June 20.—*John senior, John junior, Adam and Arthur Tailiefere, sons of Mr. Arthur Tailliefere rector of Creithmond. xxvi. 46.

Aug. 1.—*Gilbert Thorntoun son of Mr. John Thorntoun precentor of Moray. xxiv. 11.[1]

Aug. 23.—*Dominus Michael Dvn chaplain and Cuthbert Dvn, brothers, sons of quondam Dominus Herbert Dvn vicar of the parish church of Kirkcormo. xxiv. 14.

Aug. 26.—*Dominus James, Francis, and Theophilus Johnesoun, sons of Dominus William Johnesoun, *alias* Cardy, chaplain. xxiv. 28.

Sept. 4.—*David Meldrum son of Mr. David Meldrum, Archdeacon of Dunkeld. xxiv. 21.

Sept. 14.—*Sibill Dunnat daughter of quondam Dominus Gilbert Dunnat vicar of Ra. xxiv. 25.

Oct. 4.—John and James Johnnstoun sons of Dominus John Johnstoun chaplain. xxiv. 34.

Dec. 3.—*John Symontoun son of quondam Dominus John Symontoun chaplain (*sacellanus*). xxiv. 96.[2]

1550–51, Feb. 3.—*John Boyd son of Dominus John Boyd chaplain. xxiv. 52.

March 14.—*Andrew and Alexander Ratter sons of quondam [*blank*] Ratter vicar of Lathrin. xxiv. 65.

1551, June 5.—*John, Alexander, and [*blank*] Ramsay sons of quondam Dominus Henry Ramsay vicar of Abirdour. xxiv. 72.[3]

June 19.—*Laurence Lindesay son of Dominus James Lindesay chaplain. xxiv. 73.

Oct. 16.—Duncan, Andrew, John, Oliver, and Agnes Disert, sons and daughter of Dominus Michael Disart, Chancellor of the chapel-royal Stirling. xxiv. 104.

[1] The *Register of the Great Seal* adds: "et fratri germano (Henrici Thornetoun qui prius legitimatus erat)." See *supra* under date 23rd January 1545–46.

[2] The usual term in the register for a chaplain is *capellanus*.

[3] The name of the third son is given as James in the *Register of the Great Seal*.

1551, Oct. 28.—*Robert Barry burgess of Dunbarton son of Mr. Robert Barry, Archdeacon of Argyle. xxiv. 100.

Nov. 12.—*Thomas Balzart son of Dominus Thomas Balzart chaplain. xxiv. 105.

Nov. 18.—*Jonet Logane senior and Jonet Logane junior daughters of Mr. Ninian Logane chaplain. xxiv. 101.

1551–52, Feb. 6.—Thomas Auchmowty son of quondam Dominus James Auchmowty vicar of Forteviot. xxiv. 124.

Feb. 6.—Margaret Hume daughter of John, Abbot of Jedburgh. xxiv. 124.

Feb. 12.—Andrew and Margaret Hume son and daughter of Mr. Andrew Hume rector of Lauder. xxv. 1.

1552, May 16.—Alexander and Robert M^cRaith sons of Dominus Robert M^cRaith vicar of Culmaly. xxv. 3.

May 16.—Adam, Gilbert, John, and Alexander Hay, sons of Dominus Richard Hay chaplain. xxv. 4.

June 14.—William and Alexander Meldrum sons of Mr. William Meldrum vicar of Petircultir. xxv. 18.

July 4.—James, Robert, Stephen, and Jonet Rechertsoun, sons and daughter of Mr. Robert Rechertsoun, vicar of Hecfurd. xxv. 7.

July 8.—Alexander Spark son of quondam Dominus Robert Spark chaplain. xxv. 7.

Aug. 26.—Nicholas, John, William, John, and David Barclay sons of Dominus Thomas Barclay, chaplain. xxv. 8.

Aug. 28.—Andrew Gowrye son of Dominus James Gowry, chaplain. xxv. 8.

Aug. 28.—Andrew, John, and William Duff sons of Dominus James Duff vicar of Durris. xxv. 8.

Sept. 10.—Mr. Andrew Broun, son of Dominus John Broun, chaplain. xxv. 10.

Sept. 14.—James and Isobel Doull son and daughter of Dominus John Doull chaplain. xxv. 42.

Nov. 18.—John Scott son of quondam Mr. Thomas Scott chaplain. xxv. 93.

Dec. 3.—John and Patrick Wemis sons of quondam the

reverend father in Christ, Henry, Bishop of Candidecase. xxv. 29.

1552, Dec. 7.—James Scott son of Dominus John Scott chaplain. xxv. 24.

Dec. 8.—Archibald Campbell son of the venerable father in Christ, Donald, Abbot of the monastery of Cowpar. xxv. 25.

Dec. 10.—James, Robert, and Jonet Hammiltoun, children of Mr. William Hammiltoun, rector of Combuslayng. xxv. 40.

Dec. 23.—*Robert Rechardsoun son of quondam Dominus John Rechardsoun curate of Dunbennane. xxv. 43.[1]

1552–53, Jan. 13.—*Robert and David Weddirburne, sons of Mr. Robert Weddirburne, vicar of Dundee. xxv. 43.[2]

Feb. 22.—Gavin and Jonet Hammiltoun son and daughter of Gavin, Commendator of the monastery of Kylwynnyng. xxv. 53.

1553, July 4.—John and Margaret Maknair son and daughter of Dominus Robert Maknair rector of Assent. xxv. 85.

Aug. 22.—*Dominus Thomas Spine chaplain and Andrew Spine sons of quondam Dominus William Spine chaplain. xxv. 93.[3]

Aug. 23.—*David Martyne son of quondam Dominus William Mertyne chaplain. xxv. 93.[4]

Aug. 30.—*James Bonar son of Dominus John Bonar monk of the abbey of Balmerynoch. xxvi. 11.

Sept. 4.—John, James, and Elizabeth Johnnestoun, sons and daughter of Dominus John Johnnestoun, vicar of Kynneill. xxvi. 22.

Nov. 7.—David, William, and Henry Kingorne, sons of Dominus Adam Kingorne, vicar of Lintoun. xxvi. 66.

[1] The *Register of the Great Seal* omits *quondam*.

[2] Mr. Robert Weddirburne, vicar of Dundee, is regarded as one of the authors of *The Gude and Godlie Ballatis*.

[3] Spynie in the *Register of the Great Seal*.

[4] The corresponding entry in the *Register of the Great Seal* is dated 24th August.

1553, Nov. 12.—John Litilljohne son of Dominus John Litiljohne chaplain. xxvi. 65.

1553–54, Feb. 1.—John Chesholme son of quondam the reverend father in Christ, James, Archbishop (sic) of Dunblane; and James Chesholme son of quondam Dominus John Chesholme, Archdeacon of Dunblane. xxvi. 68.

Feb. 9.—Andrew and Helen Stewart son and daughter of David Stewart rector of Erskin. xxvi. 43.

Feb. 18.—Robert Montgomery son of quondam Robert, Bishop of Argyle. xxvi. 75.

Feb. 26.—"Preceptum legitimationis Wilelmi Gordoun, Walteri Gordoun et Alexandri Gordoun, bastardorum, filiorum naturalium Wilelmi Abirdonensis Episcopi." xxvi. 73.[1]

Feb. 26.—Mr. Alexander Forester son of Robert, Abbot of Balmerynoch. xxvi. 75. (Forest in margin.)

Feb. 27.—James, Arthur, John, Robert and Gilbert Skeyne, sons of Mr. Robert Skeyn, vicar of Logymar. xxvii. 39.

Feb. 28.—Thomas, Robert, and William Mathesoun, sons of Dominus John Mathesoun, Chancellor of Caithness, "ac eorum cuilibet." xxvi. 74.

March 2.—James and Jonet Daneilstoun, son and daughter of quondam Mr. John Daneilstoun, Archdeacon of Dunblane; also Marjory Daneilstoun, daughter of Dominus Robert Daneilstoun, rector of Disart. xxvi. 68.

March 4.—John Grahame son of Mr. Robert Grahame vicar of Drummond. xxvi. 66.

March 5.—Jonet and Isobel Auchmowty, daughters of Mr. Robert Auchmowty, canon of Dunkeld. xxvi. 66.

March 7.—Gilbert Stevinsoun son of Mr. John Stevinsoun precentor of Glasgow. xxvi. 66.

March 10.—Gavin, Kentigern, William, John, and Jonet Hammyltoun, sons and daughter of Mr. James Hammyltoun, Dean of Brechin and Sub-dean of Glasgow. xxvi. 70.

March 16.—Mr. George Creichtoun son of the venerable

[1] George Gordoun son of the reverend father William, Bishop of Aberdeen, was legitimated on the 10th of June 1566 (*Register of the Privy Seal*, xxxv. 29).

man Mr. Abraham Creichtoun, Provost of Donglas. xxvii. 20.[1]

1554, March 27.—William Elphinstoun son of Mr. John Elphinstoun rector of Innernochty. xxvii. 21.

April 1.—Arthur Hammiltoun son of Robert Hammiltoun rector of Torrens. xxvii. 32.

June 25.—Dominus William Meldrum, chaplain, son of Mr. William Meldrum chaplain in Aberdene. xxvii. 73.

June 26.—Patrick and Alexander Dunbar, sons of Mr. David Dunbar, Dean of Moray. xxvii. 118.

Oct. 15.—* John Pawtoun son of Mr. David Pawtoun vicar-pensioner of Fetherresso. xxvii. 136.

Nov. 24.—* William and Margaret Wallace, son and daughter of Dominus Thomas Wallace, rector of Vnthank. xxvii. 88.

1554–55, Feb. 1.—Alexander Murray *alias* Angus, son of quondam Dominus Angus Murray vicar of Elyne. xxvii. 97.

1555, Oct. 30.—John Striuiling son of Mr. James Striuiling rector of Kilmoden. xxvii. 94.

1556, Nov. 24.—* Jonet Chalmer daughter of Mr. Duncan Chalmer, Chancellor of Ross. xxix. 50.

1556–57, Jan. 24.—Archibald Scheves son of quondam Dominus Robert Scheves chaplain. xxviii. 55.

1557–58, Feb. 3.—"Preceptum legitimationis Edmundi Blacater, bastardi, filii naturalis Adami Blacater, olim Prioris de Coldinghaime, inter ipsum et Jonetam Zoung procreati." xxix. 18.

Feb. 6.—* John Gordoun son of Mr. William Gordoun priest (*sacerdos*). xxix. 18.

Feb. 6.—*Alexander Gordoun son of Mr. William Gordoun priest (*sacerdos*). xxix. 18.

1559, June 23.—Mr. Alexander Dunbar, succentor of the cathedral church of Moray, son of quondam Mr. Alexander Dunbar, Dean of the same church. xxix. 78.

[1] Mr. Abraham was also Official of Lothian (*Register of the Great Seal*, 1513-1546, No. 3198).

LIST II.

From the MS. "Register of the Privy Seal."[1]

1529–30, March 21.—John Andersoun *alias* Lesley son of quondam Dominus [*blank*] Andersoun *alias* Lesley. viii. 242.[2]

1530, Oct. 8.—Walter, John, and Alexander Murray, sons of Dominus Thomas Murray. viii. 236.

1531, Aug. 13.—John Pulsoun son of quondam Dominus John Pulsoun. ix. 81.[3]

1531-32, March 9.—Mr. Lauchlane Makcawis son of quondam Dominus Eugenius Makcaus. ix. 142.[4]

1532, May 18.—Dominus John Tindale presbyter son of quondam Dominus Laurence Tindale. ix. 130.

Aug. 8.—John and William Cormaksoun sons of Dominus Thomas Cormaksoun. xv. 8.

1534, Dec. 11.—Dominus Andrew Hill son of quondam Dominus James Hill. xiv. 55.

1538, March 28.—Alexander Williamsoun son of Dominus John Williamsoun. xi. 59.

1538–39.—Jan. 6.—* Mr. John Prestoun son of quondam Dominus Thomas Prestoun. xii. 50.

1540, Dec. 4.—Thomas Lawsoun son of quondam Dominus Alexander Lawsoun. xiv. 54.

1541, April 20.—* Mr. William Fairfoull son of quondam Dominus Alexander Fairfoull. xiv. 81.

1541–42, Jan. 30.—* Dominus Murdoch Johnestoun senior son of quondam Dominus Murdoch Johnestoun. xv. 83.

[1] As in the preceding list, the numbers appended to the entries indicate the volume and folio of the register, and an asterisk denotes that there is a corresponding entry with the same date in the printed *Register of the Great Seal*.

[2] See List I. under same date.

[3] See List I. under same date. The two entries probably refer to the same parent and son, although in one only is the parent designated chaplain.

[4] Three of Mr. Lauchlane's sons, viz. Duncan, Eugenius, and Alexander, are included in the same precept of legitimation.

1542, May 27.—* William and John Makke sons of Dominus John Makke. xvi. 34.

June 28.—* Mr. William Huntar son of quondam Dominus William Huntar. xvii. 45.[1]

1542–43, Feb. 18.—* Andrew Broun son of quondam Dominus Alexander Broun. xvii. 45.

March 18.—* John Barbour son of quondam Dominus George Carniquhin, and William Birnay son of quondam Dominus William Birnay. xvii. 41.[2]

1543, June 5.—Dominus Peter M^cGunzeane son of quondam Dominus John Makgunzeane. xvii. 63.

July 23.—Agnes Richartsoun daughter of Dominus Robert Richartsoun. xvii. 80.

Dec. 5.—* Thomas Gray son of Dominus John Gray. xviii. 10.

Dec. 20.—* Nicholas, William, Donald, and Thomas Ross, sons of Dominus Nicholas Ross. xviii. 31.[3]

1544, Aug. 16.—* David Cottis son of quondam Dominus Robert Cottis. xviii. 77.

1545, April 22.—John Clerk son of Dominus Maurice Clerk. xix. 6.

Sept. 29.—* Richard Flemyng son of Dominus Andrew Flemyng. xix. 44.

1545–46, Jan. 10.—Edward Andersoun son of quondam Dominus Andrew Andersoun *alias* Martyn. xix. 68.

1546, Oct. 28.—* Mr. Gilbert Malcolmsoun, rector of Craginche, and Dominus John Malcolmsoun, brothers, sons of quondam Dominus John Malcolmsoun; and John Malcolmsoun son of the said Dominus John. xx. 57.[4]

[1] In the *Register of the Great Seal*, the father is designated *chaplain*, and not *dominus*.

[2] In the *Register of the Great Seal*, John Barbour is designated inhabitant of the burgh of Elgin; and Dominus William Birnay is designated *chaplain*.

[3] In the *Register of the Great Seal*, Dominus Nicholas Ross is further designated chaplain of Dunskaith.

[4] Mr. Gilbert Malcolmsoun's son John was legitimated at the same time. See List I.

1546–47, Feb. 10.—* Dominus Andrew Fergussoun son of Dominus Thomas Fergussoun; and Finlay Fergussoun son of the said Dominus Andrew. xx. 81.

1548, Dec. 15.—Elizabeth Scott daughter of Dominus William Scott. xxii. 60.

1549, July 17.—* Dominus Thomas Stevinsoun son of quondam Dominus Donald Stevinsoun; and Alexander, John, Donald and Andrew Stevinsoun, sons of the said Dominus Thomas. xxiii. 34.

Dec. 29.—Sibill Campbell daughter of quondam Dominus Nicholas Campbell. xxiii. 52.

1550, May 16.—* Jonet Dalglesche daughter of Dominus Alexander Dalglesche. xxiii. 88.[1]

May 20.—* Mr. James Wrycht son of Dominus John Wrycht. xxiii. 91.

May 30.—Dominus Adam Goderall son of Dominus Richard Goderall; and William Goderall son of the said Dominus Adam. xxiii. 87.

1551–52, Jan. 28.—Alexander Ferne son of quondam Dominus John Ferne. xxv. 44.

1552, Aug. 26.—Alexander and John Cuthbert sons of Dominus David Cuthbert. xxv. 8.

1552–53, Feb. 14.—* Mr. John and William Hammiltoun sons of quondam Dominus William Hammiltoun. xxv. 53.

1553, June 25.—*James Glas son of Dominus Thomas Glas. xxv. 78.

Aug. 10.—David Lawtie son of quondam Dominus David Lautie. xxvi. 37.

Oct. 19.—Alexander Symsoun son of quondam Dominus John Symsoun. xxvi. 75.

Oct. 30.—* Dominus Thomas Palmer, chaplain, son of quondam Dominus John Palmer. xxvi. 27.[2]

[1] In the *Register of the Great Seal*, Dominus Alexander Dalglesche is further designated *chaplain*.

[2] In the *Register of the Great Seal*, Dominus John Palmer is further designated *chaplain*.

1553, Nov. 24.—John and William Cowper, brothers, sons of Dominus John Cowper. xxvii. 19.

Nov. 24.—John and William Cowper sons of Dominus John Cowper. xxvii. 25.[1]

Dec. 9.—* Thomas and John Swyntown sons of Dominus John Swyntoun. xxvii. 44.[2]

Dec. 19.—William Pardoven son of Dominus James Pardoven. xxvi. 43.[3]

1553–54, March 7.—Mr. William Skene son of quondam Dominus Alexander Skene. xxvi. 71.

March 8.—William Broun son of Dominus Adam Broun. xxvi. 77.

1555, June 14.—Mariot Craig daughter of Dominus John Craig. xxvii. 115.

1556, June 4.—* John and Eugenius M°Coule sons of Dominus Dougal M°Coule M°Infrear. xxviii. 25.

1557, Oct. 28.—* David Guthre son of Dominus James Guthre. xxix. 1.

1557–58, Jan. 31.—Gregory and Dougal M°Gregour sons of Dominus James M°Gregour. xxix. 46.

1558, July 14.—Thomas Kylgoure son of Dominus Thomas Kylgoure. xxix. 40.

Sep. 10.—* Dominus John Morisoun son of Dominus William Morisoun. xxix. 48.[4]

Dec. 8.—John and Donald Makkellar sons of Dominus Dougal M°Kellar. xxix. 62.

[1] Although this entry occurs on a different folio, it may be presumed that it relates to the precept which immediately precedes it in this list, and that the scribe through an oversight entered it twice.

[2] In the *Register of the Great Seal*, Dominus John Swyntoun is designated *chaplain*.

[3] See List II. under date Sept. 19, 1553.

[4] In the *Register of the Great Seal*, Dominus John is designated *chaplain*.

LIST III., SUPPLEMENTING LIST I.

From the printed "Register of the Great Seal."

1529–30, Jan. 10.—Andrew Ross son of Mr. James Ross vicar-pensioner of Lumfannane.

1533, Dec. 18.—John and Patrick Hepburn sons of Patrick, Prior of St. Andrews.

1533–34, Jan. 2.—William and John Wattersoun sons of Dominus William Wattersoun vicar-pensioner of the church of Olrik.

1536, April 10.—John Makwilliam son of Dominus Henry Macwilliam chaplain.

1543, July 4.—John Reid son of John Reid canon of Ross.

1545, Oct. 4.—"Regina etc. dedit literas legitimationis Adamo Hepburne, Patricio Hepburne, Georgio Hepburne, Johanni Hepburne, et Patricio Hepburne juniori, bastardis, filiis naturalibus Patricii, Episcopi Moraviensis, ac eorum cuilibet."

1546, July 28.—Walter and John Gardny, brothers, sons of quondam Dominus David Gardny chaplain.

Aug. 22.—John M'Guffok son of quondam Dominus Patrick M'Guffok chaplain.

1551, June 5.—Dominus Matthew Boyis chaplain son of Mr. William Boyis chaplain.[1]

LIST IV., SUPPLEMENTING LIST II.

From the printed "Register of the Great Seal."

1537, Aug 5.—Dominus William Myretoun chaplain son of quondam Dominus William Myretoun.

1540, Dec. 11.—Dominus Andrew Hill chaplain (*sacellanus*) son of quondam Dominus James Hill.

[1] This entry is in the *Register of Privy Seal* (xxiv. 73), under the same date, but in it Mr. William is not designated *chaplain*.

1546, June 23.—John Haisty son of quondam Dominus John Haisty.

1550, Sept. 4.—James Craufurde son of quondam Dominus William Craufurd.

1553, Sept. 19.—"Regina etc. dedit literas legitimationis Willelmo Pardowen bastardo, filio naturali Domini Jacobi Pardowen, inter eum et Margaretam Mylne procreato."[1]

APPENDIX C (p. 51).

GIFT OF THE TEMPORALITY OF THE ARCHBISHOPRIC OF ST. ANDREWS TO JOHN HAMILTON, ABBOT OF PAISLEY, 31 MAY 1546.

"Ane lettre maid to Johnne, Abbot of Paslay, his airis and assignais, of the gift of the temporalite of all landis, rentis, possessionis, castellis, touris, fortalices, mylnis, fischeingis, and all thair pertinentis, of the archibischeoprik of Sanctandrois, now pertening to our soverane lady and being in hir gracis handis, throw deceis of umquhile ane maist reverend fader in God, Dauid, Cardinale and Archibischeop of Sanctandrois; and ay and quhill ane archibischeop be lauchfullie providit be our haly fader the paip to the samin; with power etc. At Dunfermling, the last day of Maij, the yeir of God j m. v^{c} xlvj yeris. Per signaturam" (*Register of the Privy Seal*, xx. 22).[2]

[1] See List II. under date Dec. 19, 1553.

[2] Cardinal Betoun was slain in his castle at St. Andrews on Saturday morning, the 29th of May 1546; and this writ, granting the temporality of the archbishopric to John Hamilton, then Abbot of Paisley, was signed on the following Monday! The Regent Arran had assuredly lost no time in helping his bastard brother. This grant throws light on the statement of Knox that although Hamilton declared "the zeall that he had to revenge the death of him that was his predecessour," yet, "for his

APPENDIX D (p. 61).

John Forman, Abbot of Kilwinning.

Though the morality of so many of the pre-Reformation clergy was so shamelessly loose, it may be hoped that few of them had the effrontery of John Forman. Complaints had been lodged with the queen-regent, charging him and his servants with forcibly carrying off a gentlewoman named Sibyl Galloway; and the matter was taken up by the lords of council. To these lords he sent in a supplication, remarkable for its cool audacity and tone of injured innocence. It came before them on the 27th of February 1513–14, and is thus recorded—

"My Lord Archibischop of Glasgw, chancelar, askit ane instrument that Maister Mathew Stewart [servand to Maister Johne Forman, and of his command][1] gaif in

wishe, he wold nott haif had him leaving agane" (Laing's *Knox*, i. 181). The precise date when he actually became archbishop has not been ascertained, but Bishop Dowden has shown that it must have been between the 23rd of June 1549 and the 13th of the following July (*Journal of Theological Studies* for January 1904). Before obtaining the temporality of St. Andrews he had been nominated by the queen and governor for Dunkeld; and the pope had granted him that bishopric and the bulls thereof, but after doing so had appointed a commission of cardinals to consider the claims of Robert Creichton; and they decreed that unless Arran consented to Creichton's promotion to Ross, the bulls which had been sent to Scotland should not be delivered to Hamilton, and Creichton should at his own hand intromit with the fruits of Dunkeld. The queen had already recommended David Panter for the bishopric of Ross. An unauthenticated copy of the cardinals' sentence was produced in Parliament on the 16th of August 1546. It was then declared that, if such a sentence had been really given, it was prejudicial to the queen's privilege, and any one who used or defended it was to be punished according to the Acts made against those who purchased elective benefices at Rome contrary to her privilege of nomination (*Acts of Parliament*, ii. 480).

[1] Added in margin.

this supplicatioun befor the lordis, and of the contentis of it, of the quhilk the tenour followis:

"Soverane lady, on to your graice humily menis and schawis your oratour and servand, Johnne, Abbot of Kilwynning, that quhar certane evill disposit personis, my unfreyndis and innymis, quhilkis wald tak, and it lay in thar power, fra me my life and benefice, has gevin in billis to your graice of me and my servandis, allegeand us to have committit cryme in the kingis persone, be violence done till ane Sybell Galloway as thai allege; of the quhilkis billis thai have gottin the deliverance of the lordis of consell to proclame me and my servandis at the mercat cors of Edinburgh, and thar blasfeym me in greit dishonour to the Kirk and kirkmen; quhilk was nevir usit of befor in this realme. Nochtwithtstanding the said Sibell come to me of hir awn free will and motive, as sche that promittit the sammyn of befor, the quhilk Sybell, in the tyme, was nother madene, mannis wiffe, nor weddew, bot ane anelape gentill weman, quhilk was als free to me as ony uthir [*man*—deleted], herefor I beseik your graice that the saidis lettrez may be cuttit and annullit, concidering thai ar unordourly procedit and again justice, for I and my servandis ar content to compeir befor our juge ordinaris unsuspectt, and answer in that mater in safer as we aw of ye law; and your gracius answer hereapon maist humily I beseik."[1]

Forman doubtless believed that no court had any jurisdiction over him save a purely ecclesiastical one. In the thirteenth century a provincial council had forbidden the clergy to sue one another regarding church or other goods save before an ecclesiastical judge.[2] And, in the same century, Gregory IX. prohibited the Bishop of Glasgow and his men from answering before a secular judge concerning the property of the Church. Any one

[1] *Acta Dominorum Concilii*, vol. xxvi. part 2, fol. 37.—This record is preserved in the Register House. *Mercat cors* = market cross, *promittit* = promised, *anelape* = single, *safer* = so far.

[2] Patrick's *Statutes*, p. 20.

presuming to transgress was to incur the indignation of God Almighty and of the blessed apostles Peter and Paul.[1] To illustrate the practice in Scotland in the sixteenth century, Lord Fraser cites two cases from the MS. Books of Sederunt—

"16 Nov. 1540, there is this entry: 'The lordis findis themselvis not judges competent to Mr. Andrew Arnot, anent the deforcement persewed against him at the instance of Mr. Henrie Lauder advocate to the kingis majestie, becaus he is ane chapland, a man of Kirk, and the cryme was committed within the dyocese of St. Andrews, and thinks thet my lord cardinal is judge to him in that case.' Again, on 19 Dec. 1541: 'This day ane complaint of injurious words being given in [to] the lords be Mr. Alexander Leslie against Mr. James Carmaire, for calling him ane thief. It was found allegit be Mr. James Carmaire that he was ane kirkman, and so could not be persewed bot befoir his competent judge.' Defence sustained."[2]

Forman's supplication concerning Sibyl Galloway came before the lords of council not long after they had dealt with a previous supplication of his. These earlier proceedings, which are recorded in the minutes of 7th February 1513–14, are not without interest—

"Comperit my lord chancelar and desyrit this supplicatioun, and deliverance of the lordis on the bak of the sammyn, to be put in the bukis of consell, of the quhilkis the tenour followis.

"Richt reverend noblemen and michty lordis of our soverane lordis consell, unto your lordschipis humily menis and schawis youris Johnne, Abbot of Kilwyning,

[1] *Registrum Episcopatus Glasguensis*, Maitland Club, i. 132.—In the reign of Alexander II. (1214–1249), "great efforts were made to obtain enforcement of ecclesiastical decrees by the arm of the civil power, and to a certain extent successfully. At the same time the whole authority of Rome was used to prevent the clergy from pleading in a lay court" (*ibid* p. xxvii.).

[2] *Treatise on Husband and Wife*, 1876, i. 8.

and convent of the sammyn, that nochtwithstanding that I am promovit to the said abbacy be the papis halynes, and admittit to the temporalite of the sammyn be our soverane lord undir hir (*sic*) greit sele, with uthiris lettrez, conforme to my promocioun undir our soverane lordis signet, nevirtheles thar is divers personis, within the balyery of Cunynghame and sherefdome of Dumbartane, that ar awand till us divers sowmez of money, victalis, teyndis, and uthir dewitis, of the quhilk na payment can be gottin without thai be compellit tharto: herfor we beseik your lordschipis that we may have your lettrez directt to shereffis in that part, to strenye quhar the party confessis and grantis the dett, becaus the balye of Cunynghaim and the ordinar ar our party and stopis us all at thai may; and thai at denyis our dett that we may have thaim callit to ane schort day, to answer befor your lordschipis according to justice, and conforme to the lettrez gevin be our soverane lord tharapon of befor; and your answer hereintill mast humily we besek.

"*Sequitur deliberacio dominorum.*

"The lordis ordanis that lettrez be writtin to officiaris of the kingis shereffis in that part, to call baith thir partiis befor thame; and, in safer as thai grant awand to this complenar, that thai pund and distrenye tharfor, and mak him to be pait tharof; and, quhar thai deny awand to him, to summond thaim to ane lauchfull day befor the lordis, to heir thaim decernit to content and pay the sammyn to this complenar as efferis."

"*Eodem die post merediem sederunt ut ante merediem.*

"My lord chancelar askit ane note that Robert Josse, quhilk maid the lettre on the deliverance of the lordis impetrat be Master Johne Forman, grantit that the lettrez differit fra the deliverance, and that he that kepit the signet grantit the sammyn."[1]

[1] *Acta Dominorum Concilii*, xxvi. part 2, foll. 17, 18. *Menis and schawis* = complains and shows, *balyery* = bailiary, *awand* = owing,

It thus appears that this Abbot of Kilwinning gladly availed himself of the power of a civil court to enforce payment of his teinds, although he objected to be tried by such a court for his own misdemeanour or felony. He did not, however, enjoy the dignity or the revenues very long. He had been admitted to the temporality of Kilwinning on the 13th of March 1512–13; and to that temporality the Archbishop of Glasgow was admitted on the 10th of March 1515–16.[1] Two months later, at a meeting of the lords of council (16th May 1516), presided over by John's kinsman, Andrew Forman, now Archbishop of St. Andrews and Chancellor of the kingdom, the case of the ousted abbot was thus dealt with—

"Anent our soverane lordis lettrez purchest at the instance of Maister Johnne Forman chantour of Glesgw: that quhar he was, be umquhile our soverane lordis lettrez at last decessit and commendatioun, promovit to the abbacy of of (*sic*) Kilwyning, than vacand be resignatioun, and had our haly fader the papis bullis theruppon; and, throw the said Maister Johnnis promocioun to the said abbacy, our said haly fader providit utheris to the said Maister Johnnis chantory, without his consent, resignacioun or dimissioun of the sammyn, bot allanerly throu his assecucioun to the said abbacy; and therefter pley was movit aganis him for the said abbacy in the Court of Rome, and thre sentence optenit aganis him therin be ane maist reverend fader in God, James, Archibischep of Glesgw, chancelar, apon the quhilk he has optenit our soverane lordis lettrez and gottin possessioun of the said abbacy, and the said Maister Johnne removit therfra; and Schir Andro Cunynghaim, be way of deid, now occupyis and intromettis with the said Master Johnnis chantory forsaid and fructis therof, without licence of him; and als anent the charge gevin be lordis of consell, requiring the said

strenye = distrain, *balye* = bailie, *at* = that, *pund* = poind, *distrenye* = distrain, *pait* = paid, *efferis* = becomes, *differit* = differed.

[1] *Registrum Secreti Sigilli Regum Scotorum.* i. 1488-1529, Nos. 2487, 2725.

Schir Andro Cunynghaim to compeir befor thaim, to heir lettrez direct to put and keip him in possessioun of his said chantory and fructis therof, lyk as at mair lenth is contenit in the saidis lettrez, the said Maister Johnne being personally present, and the said Schir Andro being lauchfully requirit to this accioun, oft timez callit and nocht comperit, the lordis of consell decretis, deliveris and ordanis that our soverane lordis lettrez be direct to put and keip the said Maister Johnne Forman in possessioun of the said chantory of Glesgw and fructis therof, and to mak him be answerit and obeyit of the sammyn in tyme cuming, conforme to his collacioun and ordinaris lettrez direct to him therapon of befor."[1]

It was through the exertions and influence of Andrew Forman that Master John had obtained Kilwinning. On the 15th of October 1510, James IV. granted a licence to "the reverend father in Christ and our faithful councillor, Andrew, bishop of Moray, Commendator of Dryburgh, Pittenweem, and Coldingham [? Cottingham] in England, to impetrate and prosecute for himself, by himself or his procurators, in the Roman Court or out of it, any archbishopric, bishopric, or prelacy that shall be vacant within our realm, and to lift (*levare*) bulls and executorials thereanent, and to put the same in execution as to him may seem expedient." The licence also gave him "power to impetrate any benefice whatever, that shall be vacant in our kingdom, for Mr. John Forman, precentor of Glasgow, as the same reverend father shall think it to be expedient and more suitable for the said precentor." This reverend father and faithful councillor was to do these things without incurring any peril from the Acts of Parliament by which they were rigorously proscribed.[2] Neither of the archbishoprics of Scotland

[1] *Acta Dominorum Concilii*, xxvii. fol. 229. *Allanerly* = solely, only; *assecucioun* = attaining; *pley* = action at law.

[2] Ruddiman's *Epistolæ Regum Scotorum*, i. 110, 111.

was then vacant; but, when their own interests or those of their kin were concerned, the reverend fathers of the Church had no delicacy and no scruple in trying to bring within their net the desirable benefices on which their wistful eyes were cast.[1] In the great and disgraceful fight for the archbishopric of St. Andrews which followed Flodden,[2] Andrew Forman, though victor, had to "square" his rivals. As the Duke of Albany explained to the pope, "the archbishop, to his own loss and that of his friends, satisfied every one of his opponents"; and, *inter alia*, "stripped himself and his friends (*suo et suorum*) for the present of the bishopric of Moray, and the monastery of Dryburgh, belonging to the Premonstratensian Order, which he formerly held, also of the monastery of Kilwinning, of the Benedictine Order, and other benefices," etc.[3] This seems to imply that John Forman was regarded as a creature of Andrew's. Perhaps he was his son. So far as the *Register of the*

[1] A notarial instrument drawn up in the German Inn, in English Street, in Antwerp, on the 4th of June 1488, sheds a curious light on the mercenary means of obtaining benefices. Walter Monypeny, Prior of St. Serf's in Loch Leven, entered into a compact with Gaspar Bonciani, a Florentine merchant then trading in Antwerp, with the object of expeding the promotion of William Meldrum, vicar of Brechin, to the bishopric of Brechin on the resignation or death of John Balfour, who then held the see. Monypeny had already paid two hundred pounds in Flanders money to Gaspar to be expended in payment of the bulls for the said promotion. If Gaspar succeeded in obtaining the bishopric for Meldrum, he was to hand back any surplus that might be left over of the two hundred pounds, but if more was required, Monypeny, if satisfied of its necessity, was to supply that up to forty or fifty ducats. For his trouble, Gaspar was to receive a commission of eight ducats for each hundred expended. If he failed to obtain the bishopric for Meldrum, he was to repay the two hundred pounds; and in that case no provision appears to have been made for his remuneration. Extraordinary precautions, by solemn oath and otherwise, were taken to prevent Monypeny from evading his obligation (*Registrum Episcopatus Brechinensis*, Bannatyne Club, ii. 124–131).

[2] *Supra*, pp. 111–113.

[3] Ruddiman's *Epistolæ Regum Scotorum*, i. 217.

Privy Seal and the *Register of the Great Seal* show, no child of Andrew Forman's was legitimated as his. But it is quite certain that he had one illegitimate daughter whom he acknowledged. A marriage contract or indenture is recorded, which begins thus—

"Thir indentouris, maid at the abbay of Dumfermling the xxv day of Septembre, the yer of God j m v^{c} and xviij yeris, proportis and contenis in thaim self that, it is appunctit, aggreit and finaly accordit betuix ane mast reverend fader in God, Andro, Archibischop of Sanctandrois, Primat and Legat of all Scotland, and Commenditor perpetuale of Dunfermeling, and Jhane Forman, his dochter naturale, on the ta part; and ane honorable man, Schir Jhonn Oliphant of Kellie, knycht, and Alexander Oliphant, his oye and apperand air, with the consent and assent of the said Schir Jhonn, his grantschir and curatour, on the tother part; in maner forme and effect as efter followis:—That is to say that the said Alexander sall mary, God willing, and haif to wiff the said Jhane Forman, and sall complete and solempnisate the said mariage in face of Haly Kirk, howsone and quhat tyme the forsaid mast reverend fader thinkis expedient."[1]

[1] *Acta Dominorum Concilii*, xxxii. fol. 76.—The archbishop promised to pay as dowry "the sowm of ane thousand pundis usuale money of Scotland" (*ibid.* fol. 77). In 1503, it took £3000 of Scots current money to equal in value £1000 sterling of English money (Cochran-Patrick's *Records of the Coinage of Scotland*, i. p. cxxxi.); but even £1000 Scots was a great sum in those days. *Thir* = these, *the ta part* = the one part, *oye and apperand air* = grandson and apparent heir, *grantschir* = great-grandfather or, as in this case, grandfather.

APPENDIX E (p. 70).

CHARTER BY LAURENCE OF LINDORES, INQUISITOR OF HERETICAL PRAVITY, FOUNDING A PERPETUAL CHAPLAINRY IN THE PARISH CHURCH OF ST. ANDREWS, 1ST DECEMBER 1434; AND RATIFICATION BY BISHOP WARDLAW, 12TH MARCH 1434–35.

"Omnibus hanc cartam visuris vel audituris Laurencius de Lundoris rector ecclesie parrochialis de Crech Sanctiandree diocesis ac inquisitor heretice pravitatis infra regnum Scocie salutem in Domino sempiternam: Quia per pias oraciones ac missarum ubi Filius pro peccatis nostris Patri offertur celebraciones presertim continuas credimus peccata dimitti purgatorii penas demolliri et ab eisdem defunctorum animas frequencius liberari et in Paradisi gaudiis collocari, hinc est quod ego predictus Laurencius de Lundoris pie devocionis affectu motus in honore[m] Sancte et Individue Trinitatis, Patris et Filii et Spiritus Sancti, gloriosissime Virginis Marie, Sancti Michaelis Archangeli, et Sancti Seruani, omniumque sanctorum, unam novam capellaniam perpetuam cum ejusdem capellano perpetuo in nova parrochiali ecclesia civitatis Sanctiandree ad altare Sancti Michaelis ex parte boriali ejusdem ecclesie prope columpnam per Johannem de Carmychell fundatum favente domino disposui et ordinavi. Noverit igitur universitas vestra me cum consensu et assensu reverendi in Christo patris ac Domini Henrici miseracione divina Episcopi Sanctiandree divine contemplacionis intuitu dare concedere et hac presenti carta mea ad mortuam manum confirmare Deo et gloriose Virgini Marie Beato Michaeli archangelo Sancto Seruano, et dicto altari ac capellano perpetuo in dicto altari pro perpetuo celebraturo pro salute animarum reverendi in Christo patris Dei gracia Episcopi Sanctiandree moderni patris mei et matris mee; necnon pro salute anime mee animarumque fratrum sororum et benefactorum meorum

omniumque aliorum vivorum et defunctorum a quo vel a quibus aliqua bona recepi et ad condignum non satisfeci, et omnium fidelium, illud tenementum meum cum pertinenciis quod habeo ex conquestu meo jacens in Vico Australi civitatis Sanctiandree et ex parte australi ejusdem vici inter terram Roberti Skynnar ex parte occidentali ex parte una et terram quondam Domini Johanis Meigneis militis ex parte orientali et ex parte altera prout jacet in longitudine et latitudine, et triginta solidos annui redditus de tenemento dicti Roberti Skynnar jacenti in dicto vico inter terram Dauid Broun ex parte occidentali ex parte una et dictum meum tenementum ex parte orientali et ex parte altera, annuatim percipiendos ad duos anni terminos festa videlicet Pentecostes et Sancti Martini in hyeme per equales porciones. Necnon et quinque solidos de tenemento Wilelmi Smert jacenti in eodem vico inter terram Andree de Cameron ex parte occidentali ex parte una et terram Johannis de Haldenston ex parte orientali et ex parte altera, annuatim percipiendos per similes porciones ad terminos supradictos: solvendo tamen de dicto meo tenemento Domino Episcopo Sancti-andree qui pro tempore fuerit prout decet, necnon Abbati et conventui monasterii de Balmurynach annuatim decem solidos ac monasterio Sanctiandree annuatim duos solidos et Agneti Fryslae et heredibus suis similiter annuatim sex solidos; quod quidem tenementum ac dictos meos annuos redditus ex meo puro conquestu et possedi ac habui sicut habeo et possideo de presenti, tenendum habendum et possidendum dictum tenementum cum pertinenciis una cum predictis annuis redditibus predicto altari in puram et perpetuam elimosinam et in proprietatem ad mortuam manum, necnon capellano perpetuo ibidem Deo servituro aliam curam sive aliud beneficium aut officium non habenti cum omnibus et singulis libertatibus comoditatibus et asiamentis ac justis pertinenciis quibuscunque ad dictum tenementum ac annuos redditus supradictos spectantibus seu quovis modo spectare valentibus in futurum, adeo libere quiete plenarie integre honorifice bene et in pace sicut aliquod tenementum sive aliqui annui redditus infra regnum Scocie in perpetuam elimosinam alicui

ecclesie capelle vel altari conceduntur seu possidentur; excepto quod fructus redditus et proventus dictorum tenementi et annuorum reddituum apud me pro toto tempore vite mee remanebunt, non faciendo vel fieri faciendo per predictum capellanum ad dictum altare sive in dicta ecclesia aliquod servicium nisi pro mee libito voluntatis: et si contingat dictum capellanum quod Deus avertat aliquam concubinam vel focariam publicam retinere seu tali publice adherere si ter monitus per Dominum Episcopum Sanctiandree vel ejus ministros et cum effectu non dimiserit eandem eo ipso ex tunc dicta capellania sine ulteriore processu vacare censeatur. Volo constituo et ordino quod si contingat dictum capellanum ad aliud beneficium vel officium perpetuum promoveri quod dicta capellania post promocionem dicti capellani eo ipso libere vacet. Cum igitur predictam capellaniam modo predicto seu per mortem vel cessionem capellani ejusdem qui pro tempore fuerit aut alias quovis modo vacare contigerit auctoritate reverendi in Christo patris Domini Henrici Episcopi Sanctiandree ad hoc accedente volo statuo ordino arbitror et concedo quod ad me quamdiu vixero in humanis et post meum decessum ad prepositum ballivos et consules dicte civitatis juratos omnibus aliis seclusis presentacio dicti capellani ad ipsam capellaniam juste debite et sine obice pertineat qualicunque: et si contingat predictos prepositum ballivos et consules presentacionem predicti capellani ad dictam capellaniam sic vacantem ultra quindenam a die vacacionis ejusdem eis notificate cessante causa legittima differre, tunc presentacio predicti capellani ad Archidiaconum Sanctiandree qui pro tempore fuerit extunc illa vice sine contradictione pertineat aliquali; et si supradictus archidiaconus ultra aliam quindenam dictam presentacionem distulerit presentacio ad priorem et capitulum Sanctiandree extunc illa vice devolvatur; et si predicti prior et capitulum ultra terciam quindenam dictam presentacionem distulerint presentacio ejusdem capellani ad Dominum Episcopum Sanctiandree pro tempore existentem extunc illa vice devolvatur; ita tamen quod nec prepositus ballivi et consules predicti archidiaconus prior et capitulum episcopus et sui

successores nec eorum aliquis aut eorum successores dictos tenementum et annuos redditus vel proventus eorundem penes se vel eorum aliquem retinere vel in usus proprios convertere seu a sustentacione dicte capellanie et capellani ejusdem alienare seu ab eodem altari dictum capellanum removere vel ipsi altari sic fundato aliquem alium capellanum preter meam voluntatem apponere quovis modo valeant in futurum, sed quod dicti tenementum et annui redditus cum pertinenciis ad sustentacionem dicte capellanie et capellani ejusdem una cum altaribus libris vestimentis calicibus et aliis dicte capellanie ornamentis per me eidem datis et dandis plene et integraliter conserventur ac omnia alia et singula in dictis evidenciis contenta in omnibus et per omnia ut predictum est observari faciant prout ipsi prepositus ballivi et consules archidiaconus prior cum capitulo episcopus et sui successores coram summo judice in die Magni Judicii voluerint respondere. Insuper volo constituo et ordino quod post meum decessum infra civitatem Sanctiandree supradictam residenciam continuam faciat corporalem capellanus supradictus. Insuper volo quod dictus capellanus perpetuus cum aliis sex capellanis per ipsum electis singulis annis obitus mei cum tabula cooperta et duobus cereis accensis placebo et dirige in nocte precedente diem obitus mei et missam de requiem incrastino solenniter cum nota celebrare teneatur, et si contingat dictum capellanum cessante causa legittima ab observacione dicti servicii deficere predicta capellania extunc eo ipso censeatur vacare. In cujus rei testimonium sigillum meum presenti carte mee est appensum et ad majorem rei evidenciam et securitatem sigillum commune civitatis Sanctiandree presenti carte mee appendi procuravi primo die mensis Decembris anno Domini millesimo quadringentesimo tricesimo quarto testibus Johanne de Carmychell, Preposito Sanctiandree, Magistro Willelmo Wischarde, camerario Domini Episcopi Sanctiandree, Magistro Alexandro de Castelcarris,[1] vicario ecclesie de Forgrunde, Waltero Monypeny de Kynkell, Thoma Arthuri, Willelmo de Kynnarde, Johanne Akeman,

[1] May be read *Casteltarris*.

Duncano Gedy, Johanne de Cameroun, et Dauid Post, civibus civitatis Sanctiandree, cum diversis aliis ad premissa vocatis.

"Et nos Henricus miseracione divina Episcopus Sanctiandree cum consensu et assensu venerabilium et religiosorum virorum prioris et capituli ecclesie nostre cathedralis Sanctiandree predicte capellanie ordinacionem fundacionem et disposicionem; necnon possessionum terrarum et annuorum reddituum ad dictam capellaniam concessionem et donacionem ad mortuam manum, ac omnia alia et singula in presenti carta contenta in omnibus suis punctis et articulis modis condicionibus et circumstanciis forma pariter et effectu divini cultus augmentacionis zelo caritatis intuitu et egencium animarum specialiter predictarum contemplacione salutis pro nobis et successoribus nostris Sanctiandree episcopis approbamus ratificamus ac dictas terras et annuos redditus mortificamus et tenore presencium eosdem dicte capellanie et ejus capellanis qui pro tempore fuerint imperpetuum confirmamus. In quarum nostrarum approbacionis ratificacionis mortificacionis et imperpetuum confirmacionis testimonium sigillum nostrum autenticum una cum sigillo communi capituli nostri antedicti presentibus est appensum apud Sanctumandream xii die mensis Marcii anno Domini millesimo quadringentesimo trecesimo quarto et consecracionis nostre trecesimo tercio."

[*Translation.*]

To all who shall see or hear this charter, Laurence de Lindores, rector of the parish church of Creich in the diocese of St. Andrews, and inquisitor of heretical pravity in the kingdom of Scotland, everlasting salvation in the Lord. Whereas, we believe that, by pious prayers and especially the continual celebration of masses, at which the Son is for our sins offered to the Father, sins are remitted, the pains of purgatory are mitigated, and by

the same means the souls of the dead are oftener freed and set in the joys of Paradise, hence it is that I, the aforesaid Laurence de Lindores—moved by a spirit of pious devotion in honour of the Holy and Indivisible Trinity, the Father, the Son, and the Holy Spirit, of the most glorious Virgin Mary, of St. Michael the Archangel, and of St. Serf, and of all the saints—have, by the favour of the Lord, disponed and ordained a new perpetual chaplainry with a perpetual chaplain of the same, in the new parish church of the city of St. Andrews, at the altar of St. Michael, on the north side of the same church near the pillar founded by John de Carmychell. Know ye all therefore that I, with the consent and assent of the reverend father in Christ and lord, Henry, by the divine compassion, Bishop of St. Andrews, regarding myself as in the sight of God, give, grant and, by this my present charter, mortify to God, and the glorious Virgin Mary, the blessed Michael the Archangel, St. Serf, and the said altar, and to the perpetual chaplain at the said altar—who shall in perpetuity be a celebrant for the salvation of the souls of the reverend father in Christ, by the grace of God present Bishop of St. Andrews, of my father, and of my mother; also for the salvation of my own soul, and of the souls of my brothers, sisters, and benefactors, and of all others, living and dead, from whom I have received any goods and to whom I have not given due satisfaction, and of all the faithful—that tenement of mine with the pertinents, which I have myself acquired, situated in the South Street of the city of St. Andrews, and on the south side of the same street, between the land of Robert Skynnar on the west on the one hand, and the land of the late Sir John Meigneis knight on the east and on the other hand, as it lies in length and breadth; and thirty shillings of annual rent from the tenement of the said Robert Skynnar, situated in the said street between the land of David Broun on the west on the one hand, and my said tenement on the east and on the other hand, to be annually received at the two terms of the year namely the feasts of Pentecost and St. Martin

in winter [*i.e.* Whitsunday and Martinmas], in equal portions; also five shillings from the tenement of William Smert, situated in the same street, between the land of Andrew de Cameron on the west on the one hand, and the land of John de Haldenston on the east and on the other hand, to be annually received in similar portions at the above-named terms; paying however from my said tenement to the Lord Bishop of St. Andrews for the time being, as is becoming, also to the abbot and convent of the monastery of Balmurynach ten shillings annually, and to the monastery of St. Andrews two shillings annually, and to Agnes Frysla and her heirs six shillings likewise annually; which tenement and my said annual rents I possessed and had by my own proper acquisition, as I have and possess at present, the said tenement to be held, had and possessed with the pertinents, together with the aforesaid annual rents by the aforesaid altar, as pure and perpetual alms and as mortified property, and also by the perpetual chaplain who shall there serve God, without having another cure, benefice or office, with all and each the liberties, commodities and easements and just pertinents whatever that belong, or can in any way in future belong, to the said tenement, and the annual rents above-named, as freely, quietly, fully, entirely, honourably, well and in peace, as any tenement or any annual rents in the kingdom of Scotland are for perpetual alms granted to or possessed by any church, chapel or altar; with these exceptions, that the fruits rents and proceeds of the said tenement and annual rents shall remain with me for the whole time of my life; that there shall not be performed or caused to be performed by the said chaplain at the said altar, or in the said church, any service save in accordance with the pleasure of my will; and if it happen, which God forbid, that the said chaplain shall keep any concubine or common wench, or adhere to such publicly, and shall not effectively put the same away, after being thrice warned by the lord bishop or his ministers, then let the said chaplainry thereby and thenceforward, without further process, be reckoned vacant. I will, I appoint,

and I ordain that, if it happen that the said chaplain be promoted to another perpetual benefice or office, the said chaplainry after the promotion of the said chaplain shall thereby be freely vacant. When therefore it shall happen that the aforesaid chaplainry is vacant in the aforesaid manner—whether by the death or the resignation of the chaplain of the same for the time being, or in any other way—the authority of the reverend father in Christ, Lord Henry, Bishop of St. Andrews acceding hereto, I will, I appoint, I ordain, I adjudge, and I grant that the presentation of the said chaplain to the said chaplainry belong justly, duly, and without any hindrance whatever, to me, as long as I shall live on the earth; and, after my decease, to the sworn provost, bailies and councillors of the said city, all others being excluded; and if it happen that the aforesaid provost, bailies and councillors, without lawful cause, delay the presentation of the aforesaid chaplain beyond the period of fifteen days after the vacancy in the same has been notified to them, thereupon, for that occasion, the presentation of the aforesaid chaplain shall, without any gainsaying whatever, belong to the Archdeacon of St. Andrews for the time being; and if the said archdeacon shall delay the said presentation beyond another period of fifteen days, thereupon for that occasion the presentation shall devolve upon the Prior and chapter of St. Andrews; and if the aforesaid prior and chapter shall delay the said presentation beyond a third period of fifteen days, the presentation of the same chaplain shall, for that occasion, thereupon devolve on the Lord Bishop of St. Andrews for the time being: in such manner, however, that neither the provost, bailies and councillors, the aforesaid archdeacon, prior and chapter, bishop and his successors, nor any of them or their successors, may be able in future to retain the said tenement and annual rents, or the proceeds of the same or any of them, in their own hands or to convert them to their own uses, or to alienate them from the sustentation of the said chaplain, or to remove the said chaplain from the same altar, or to appoint to the said altar so founded any other chaplain contrary to my will in any manner; but that the said

tenement and annual rents with the pertinents shall be kept fully and entirely for the sustentation of the said chaplainry and the chaplain of the same, together with the altars, books, vestments, chalices, and other ornaments of the said chaplainry, given and to be given by me to the same; and that they shall cause all and each of the other matters contained in the said evidences in all points, and throughout the whole, to be observed as aforesaid, as they the provost, bailies and councillors, the archdeacon, the prior with the chapter, the bishop, and their successors, shall wish to answer before the Highest Judge on the day of the great judgment. Further, I will, I appoint, and I ordain that, after my decease, the above-mentioned chaplain shall make his constant bodily residence in the aforesaid city of St. Andrews. Further, I will that the said perpetual chaplain, with other six chaplains selected by himself, shall be bound each year at my *obit* to celebrate the *placebo* and the *dirige*, with a covered table and two lighted wax candles, on the night preceding my *obit*, and a requiem mass on the morrow solemnly and with music; and if it happen that the said chaplain, without lawful cause, should fail in the observance of the said service, thereupon and thereby the aforesaid chaplainry shall be deemed vacant. And in testimony of this matter my seal is appended to my present charter, and for greater evidence and security of the matter I have procured the common seal of the city of St. Andrews to be appended to my present charter, on the first day of the month of December, in the year of the Lord one thousand four hundred and thirty-four: witnesses—John de Carmychell, Provost of St. Andrews, Mr. William Wischarde, Chamberlain of the Lord Bishop of St. Andrews, Mr. Alexander de Castelcarris, vicar of the church of Forgrunde, Walter Monypeny de Kynkell, Thomas Arthur, William de Kynnarde, John Akeman, Duncan Gedy, John de Cameroun, and David Post, citizens of St. Andrews, with divers others called to the premises.

And we, Henry, by divine compassion, Bishop of St. Andrews, with the consent and assent of the

venerable and religious men, the prior and chapter of our cathedral church of St. Andrews, out of our zeal for the extension of divine worship, out of regard for charity, and out of consideration for the salvation of the needy souls particularised above, for ourselves and our successors the bishops of St. Andrews, appoint and ratify the ordination, foundation and disposition of the aforesaid chaplainry; also the concession to the said chaplainry of the possessions, lands, and annual rents, and the donation to the dead hand, and all and each of the other matters contained in the present charter in all their points and articles, modes, conditions and circumstances, in form and effect equally; and we mortify the said lands and annual rents, and by the tenor of these presents we confirm the same in perpetuity to the said chaplainry, and its chaplains for the time being. And in testimony of these, our approbation, ratification, mortification and perpetual confirmation, our authentic seal is appended to these presents, together with the common seal of our aforesaid chapter, at St. Andrews, on the twelfth day of the month of March, in the year of the Lord one thousand four hundred and thirty-four, and of our consecration the thirty-third.

APPENDIX F (p. 109).

Royal Licences to break the Acts of Parliament in purchasing benefices at the Court of Rome.

"We, fo[r] the gude trew and thankfull service done to umquhile oure derrest fader, quham God assolye, and us, be ane reverend fader in God, William [Stewart], Bischop of Abirdene, and for divers uthiris resonable causis and considerationis moving us, with avis, authorite and consent of oure derrest cousing and tutour, James,

Erle of Arrane, Lord Hammiltoun, protectour and governour of oure realme, be the tenour of thir oure lettres, grantis and gevis licence to the said reverend fader to resing (*sic*) his said bischoprik of Abirdene in the handis of oure haly fader the paip, in favour of our weilbelovit clerk, Maister William Gordoun, Chancellar of Murray, with regres and access and reservatioun of all frutis, pensionis, honouris and digniteis, *in spiritualibus et temporalibus*, of the said bischiprik, to the said reverend fader for all the dayis of his life, as he plesis to extend his supplicatioun and as oure haly fader the paip will grant: and als gevis licence to the said reverend fader to impetrat and desire at oure haly fader the said Maister Wilzem to be his coadjutor, helpar bischop and successour to his said bischoprik; and inlikwis gevis licence to the said Maister Wilzem to purches the samyn in Court of Rome, and to rais bullis, proces and executorialis thairupoun, and to use and caus the samyn be usit and put to executioun within oure realme; and will and grantis that the saidis reverend fader and Maister William thair factouris, assistaris, supplearis, and executouris of the saidis bullis, proces and executorialis sall nocht be summond, callit nor accusit tharfor, nor incur ony cryme, danger or skayth thairthrow in thair personis, landis, benefices or gudis in ony wys in tyme to cum, nochtwithstanding ony Actis of oure Parliament, statutis, proclamationis, lettres or charges maid or to be maid in the contrair, and panis contenit thairin. Anent the quhilkis, we, with avis and consent of oure said tutour and governour, dispens with thame, be thir oure lettres, dischargeing the lordis of our counsale, and all uthiris oure officiaris, present and to cum, and thair deputis, of all accusatioun, summonyng, calling, persewing, following, accusing, processing, unlawing, proceding, trubling and intrometting with the saidis reverend fader and Maister William thair factouris, assistaris and supplearis executoris of the saidis bullis, proces and executorialis, thair landis, benefices or gudis thairfore, and of all thair offices in that part, be thir oure lettres, gevin under our privie

seile and subscrivit be oure said tutour and governour. At Linlithquhow, the xv day of November, and of our regnne the secund yeir [1544]. Subscriptum per dominum gubernatorem."[1]

"We, for the gud trew and thankfull service done to umquhile oure derrest fader, quham God assolye, and us, be oure weilbelovit clerk Maister William Gordoun, Chancellar of Murray, and for divers uthiris resonable caussis and considerationis moving us, with avis, autorite and consent of oure derrest cousing and tutour, James, Erle of Arrane, Lord Hammiltoun, protectour and governour of oure realme, be the tenour of thir oure lettres, grantis and gevis licence to the said Maister William to resigne his said chancellary of Murray in the handis of oure haly fader the paip, in favour of quhatsumever persone it sall pleis ane reverend fader in God, Williem, Bischop of Abirdene to name thairto with consent of the said Maister William, and with regres and access and reservatioun of all the frutis, pensionis, honouris and digniteis, *in spiritualibus et temporalibus*, of the said chancellary to the said Maister William for all the dayis of his life, as he plesis to extend his supplicatioun and as oure haly fader the paip will grant; and als gevis licence to the said reverend fader, or quhatsumever persoun he plesis to name as said is, to purches the said chancellary in the Court of Rome, and to rais bullis, proces and executorialis thairupoun, and to use and caus the samyn be usit and put to executioun within oure realme; and will and grantis that the saidis Maister Wilzem and reverend fader, or quhatsumever [persoun][2] the reverend fader plesis to name thairto, thair factouris, assistaris, supplearis and executouris of the saidis bullis, proces and executorialis sall nocht be summond, callit nor accusit thairfore, nor incur ony crime, danger or skayth thairthrow, in thair personis, landis, benefices or gudis in ony wis in tyme to cum, nochtwithstanding ony Actis of oure Parliament, statutis, proclamationis, lettres or charges

[1] *Register of the Privy Seal*, xviii. 89, 90.
[2] Omitted.

maid or to be maid in the contrair, and panis contenit thairin. Anent the quhilkis, we, with avis of oure said tutour and governour, dispens with thame be thir oure lettres, dischargeing the lordis of oure counsale, and all uthiris oure officiaris, present and to cum, and thair deputis, of all accusatioun, summonyng, calling, persewing, following, accusing, processing, unlawing, proceding, trubling and intrometting with the saidis Maister William and reverend fader, or the persoun to be namit thairto as said is, thair factouris, assistaris and supplearis executouris of the saidis bullis, proces and executorialis, thair landis, benefices or gudis thairfor, and of all thair offices in that part, be thir oure lettres, gevin under oure privie seile and subscrivit be oure said tutour and governour. At Linlithquhow, the xv day of November, and of oure regnne the secund yeir [1544]. Subscriptum per dominum gubernatorem."[1]

APPENDIX G (p. 112).

BISHOP ELPHINSTONE AND THE ARCHBISHOPRIC OF ST. ANDREWS.

25th February 1513–14.—"My lord of Abirdene, in presens of the lordis, exponit how he was chosin be the quenys graice and consell to the archbischopry of Sanctandrois, and that he had done his diligence therintill, and had maid ane clerk to the Court of Rome for expedition therof, and therapon askit ane instrument."

"My lord of Abirdene askit ane instrument, that the lordis ordanit him to persever and continew in the prosecucioun of the archibischoprik of Sanctandrois, to the quhilk he was chosin be the queyn and lordis."

[1] *Register of the Privy Seal*, xviii. 90.—The Mr. William Gordon referred to in these two extracts is the individual whose character as Bishop of Aberdeen was so disreputable (*supra*, pp. 53–55).

"Gavyn [Douglas], elect of Arbroath, askit ane note that he dissasentit therto at my lord of Abirdene suld persew the said archbischoprik."

"Maister Robert Forman, Dene of Glasgw, annerdand to the note tayn be the said elect of Arbroath, protestit that he micht help him self and his freyndis, as he micht best tuiching ony beneficis."[1]

26th October 1514.—"For samekle as, be the deceis of my lord of Abirdene, quham God assolye, the intres that he hade to the archibischoprik of Sanctandrois and the bischoprik of Abirdene vaikis, tharfor [it is ordanit] that all the persouns be chargit be opin proclamacioun, at the merkat croce of Edinburgh and all uthir neidfull placis, that nain of tham tak apoun hand to impetrat ony of the said prelaciis without the kingis licence and lordis of counsale, and his lettrez of commendaciouns to the papis halynes therupoun, undir all the hiest pane and charge that eftir may follow, and as thai will eschew the kingis indingnacioun (*sic*) therthrow conformand to the kingis privelege grantit be the papis halynes to him therupoun."[2]

APPENDIX H (p. 134).

Bellesheim and the Rock on which the old Church burst asunder.

Bellesheim's whole paragraph on this matter is worth quoting as the carefully expressed utterance of a learned nineteenth century Continental Roman Catholic. The translation here given is by an approved scholar; and to show the liberties which a modern Scottish Roman Catholic presumes to take in presenting a German work in an

[1] *Acta Dominorum Concilii*, vol. xxvi. part 2, fol. 36. *Annerdand* = adhering.

[2] *Ibid.* fol. 118.

English dress, Father Hunter Blair's translation is produced alongside—

Bellesheim exactly translated.

"If we examine the decrees issued by the national synod of 1559, the conviction forces itself on us that, from the stand-point of Catholic dogma and canon law, all the means required for a thorough reformation were provided. The doctrine of the Church is correctly reproduced, the corresponding prescriptions of Church law are emphasised. But of the execution of these decrees we have no evidence. It must be a question whether, humanly speaking, there was any possibility of a reformation. Those bishops, abbots, priors, deans, archdeacons, and pastors on whom it was made incumbent to receive orders within six months, and personally undertake the duties of their office, or else renounce all claim to their revenues, no longer understood such language. In point of fact part of the property of the Church was already in lay-hands; to give that occupancy the semblance of legality, violent hands were laid on the inner sanctuary of the Church. In the crying abuses that had in the course of time come to be associated with the conferring of benefices, we believe that we may

Father Blair's translation.

"When the day chosen for the next assembly arrived, Protestantism was already practically triumphant, and a few months later witnessed the final crash—the overthrow of that historic Church whose last official act had been the promulgation of a body of laws admirably adapted in themselves, as no unprejudiced judge will deny, to bring about the reforms so urgently demanded alike by friends and foes. As their dogmatic declarations faithfully reflect the teaching of the Universal Church, so, too, the practical measures which they enjoin are in full conformity with her earnest desire to grapple with the crying evils of the times. Nevertheless, it is open to doubt whether, even had time been allowed, those measures could ever have been put into execution. The statute requiring all who held any ecclesiastical preferment either to undertake its duties or to resign it within six months, was one which could hardly be expected to have any effect in the too common case of those who had entered upon their benefices without either the slightest qualification for their office or the remotest intention

discern the rock on which the organism of the old Church in Scotland burst asunder. With this outward danger there was bound up a steady declension in the inward life of faith. Precisely those institutions on which its maintenance was incumbent do we observe in Scotland to furnish the most numerous contingent to the ranks of the innovators. Such was the opinion of conscientious men who were personally eye-witnesses of the terrible catastrophe."

of fulfilling it. The gross abuses that had grown up, in spite of popes and councils, in connection with the presentation to benefices, were, in truth, the rock on which the Scottish Church finally split. The system of commendatory abbacies, priories, deaneries, and other ecclesiastical dignities, had already resulted in the alienation to laymen of great part of the property of the Church; and the work was only completed when sacrilegious hands were at length laid upon the venerable fabric itself. However wise and salutary the measures of reform enacted by the Council of 1559, it seemed as if they came too late to stem the flood that was rising to overwhelm the ancient faith of Scotland. The very severity which was intended to strike terror into those who, by their unworthy lives, disgraced the offices they held, only drove them, if we are to believe the testimony of a contemporary historian, into overt rebellion from the authority and teaching of the Church."[1]

[1] *History of the Catholic Church of Scotland from the Introduction of Christianity to the present day*, by Alphons Bellesheim, D.D., canon of Aix-la-Chapelle, translated, with notes and additions, by D. Oswald Hunter Blair, O.S.B., monk of Fort-Augustus, 1887, ii. 251, 252.—Here is the passage in Bellesheim's own words: "Prüft man die von der Nationalsynode von 1559 erlassenen Dekrete, so drängt sich die Ueberzeugung auf, dass vom Standpunkte der katholischen Dogmatik und des canonischen Rechts alle zur Einleitung einer gründlichen Reformation

A translator is not expected to paraphrase his author's text so freely, and Father Hunter Blair ought to have warned his readers much more explicitly than he has done of the liberties he had taken. No doubt he states in his preface that his work as a translator has not been confined to a mere rendering of the original text. In that preface he says—

"Such topographical and personal explanations as were doubtless called for in a book intended for German readers, and relating to a foreign country, but which appeared unnecessary in a work destined for an English-speaking public, have been omitted, but their place has been more than supplied by a number of additional details, references, and illustrative notes. Every reference in the original has been carefully verified, and the orthographical and other errors inevitable in a work of the kind have been as far as possible corrected."

erforderlichen Mittel geboten waren. Die Lehre der Kirche ist getreu wiedergegeben, die entsprechenden Bestimmungen des kirchlichen Rechtes werden eingeschärft. Aber von einer Ausführung dieser Dekrete vernehmen wir nichts. Es muss in Frage gezogen werden, ob, menschlich zu reden, von einer Reformation noch Rede sein konnte. Jene Bischöfe, Aebte, Prioren, Dekane, Archidiakonen und Pfarrer, welche innerhalb sechs Monaten die Weihen empfangen und persönlich ihr Amt wahrnehmen, oder aber auf ihre Pfründen Verzicht leisten sollten, verstanden eine solche Sprache nicht mehr. Thatsächlich ruhte bereits ein Theil der Kirchengüter in Laienhänden; um diesen Besitz zu legitimiren, wurde dann auch Hand an das innere Heiligthum der Kirche gelegt. In den schreienden Missbräuchen, welche sich mit der Verleihung der Beneficien im Lauf der Zeit verbunden hatten, glauben wir die Klippe zu erkennen, an welcher der Organismus der alten Kirche in Schottland zerschellte. Mit dieser äussern Gefahr verband sich ein beständiges Sinken des inneren Glaubenslebens. Gerade diejenigen Anstalten, denen seine besondere Pflege obliegt, sehen wir in Schottland das zahlreichste Contingent zur Verstärkung der Neuerer liefern. Das war die Ansicht gewissenhafter Männer, welche der schrecklichen Katastrophe als Augenzeugen beiwohnten. So kam die Reformation zu Stande" (*Geschichte der Katholischen Kirche in Schottland von der Einführung des Christenthums bis auf die gegenwart*, i. 401, 402).

This explanation does not justify, *e.g.*, his insertion in the text, without the slightest indication of its being an unwarranted addition, the clause—*in spite of popes and councils*. Altogether, apart from the question as to whether the gross abuses, which had grown up in connection with the presentation to benefices, formed or did not form the rock on which the Scottish Church finally split, it is certain that popes were not guiltless in the matter. By conferring abbacies, priories, and other ecclesiastical dignities upon children and other unfit persons *in commendam*, they virtually approved of these abuses. The fruitful negotiations of James v. with the Roman Court, already referred to, may serve as examples.[1] In spite of popes, forsooth! One of the best of them, Adrian VI., the immediate predecessor of Clement VII., said—"We know that for several years now there have been many abominable things (*abominanda*) in this holy see—abuses in spiritual matters, excesses in commands, and in short everything perversely changed. . . . And it is not surprising that from the head the malady (*ægritudo*) has descended to the limbs; from the popes to other inferior prelates. All of us (that is, the prelates and ecclesiastics) have gone astray, each one to his own ways; and, for a long time now, there has been none to do good, there has not been even one."[2]

Dr. Bellesheim is clearly in error when he speaks of "bishops, abbots, priors, deans, archdeacons, and pastors," being commanded "to receive orders within six months, and personally undertake the duties of their office, or else renounce all claim to their revenues." No such statute was enacted by the council of 1558–59. According to statute No. 271, all who held benefices were to be

[1] *Supra*, pp. 113–120.

[2] Raynaldi, *Annales Ecclesiastici*, 1705, xii. 396.

cited by their local ordinaries before the first day of the ensuing August, and those who had not at least been admitted to minor orders were to be compelled to take the orders required by the livings they held, or to resign the livings; and the ordinaries were to compel them to do so by Church censure and by the penalties laid down by Gregory X. at Lyons in 1274, so that those might not live by the altar who disdained to serve it. There is a mighty difference between taking orders and personally undertaking the duties of office; and there is no mention in the statute of "bishops, abbots, priors, deans, archdeacons." Statute 275 provides, *inter alia*, that "bishops, abbots, priors, prioresses, commendators, administrators, provosts, portioners of churches, and all who preside over the churches of any monastery whatsoever and over churches united and annexed to bishops' mensal property, to chapters, and to collegiate foundations, shall diligently see to it that the Word of God is preached in their several churches either by themselves or by substitutes, to be approved and licensed by the ordinary of the diocese." Here, no doubt, there is a string of dignitaries rivalling and specifically surpassing Bellesheim's, but the one duty to which the statute relates —that of preaching—is permitted by that statute to be performed either personally or by proxy, and the penalty for failure, so far from being a renouncing of all claim to the revenues, is the loss of only "the fourth part of the fruits of every parish not provided with a preacher."[1]

[1] Patrick's *Statutes*, pp. 169, 172, 173.—Statute No. 275, besides dealing with the string of dignitaries as above mentioned, enacts that rectors of parish churches, deemed by the ordinary to be "able and well-fitted to preach the rudiments of the faith to their parishioners," shall themselves preach, not only four times a year as was statute by a previous council but even oftener, under pain of losing the fourth part of the fruits of their benefices. Those who were young and unfit were to be enjoined

Bellesheim's statement, in its divergence from and contradiction of the statutes, rests solely on the utterly insufficient authority of Bishop Lesley, whose statement of the matter is found in his vernacular *History of Scotland*, and also, though in somewhat different terms, in his Latin *De Origine*. He tells of the articles craving reformation in ecclesiastical affairs, which certain temporal lords and barons presented to the queen-regent, and which she passed on to the provincial council. These articles, and the council's answers, he summarises. According to his summaries, the council declined to sanction the administration of the sacraments in English, and refused to permit public prayers to be offered in the vulgar tongue, but left every man to pray privately in any tongue he pleased. While wishing that bishops and other beneficed men might be elected as the canon law prescribed, the answering of this article was remitted to the queen and her privy council, "becaus the nominatione of the prelattis of the realme pertenis principallie to the prince." Then follows:—

"As to the uther twa articles tueching the residence of benefest men in executione of thair office in precheing and ministratioun of the sacramentis, and that none suld be promoved to benefices bot thay that are weill qualifeit thairfoir, thay affirmed that thair was no bettir ordour culd be devised nor was prescrivit alreddy be the cannone law and statutes of thair provinciall counsall to that effect; and thairfoir thay promesed to caus the same be put to dew executione in all pointis. And than presentlie thay maid mony sharp statutes, and commandit all the bishoppis, abbottis, prioris, deanes, archedeanes, and all the rest thair presentlie assembled, and utheris

to qualify themselves as soon as possible by studying at the public schools, and meanwhile to see that the preaching was done by others. Elderly churchmen, over fifty, who had "not hitherto been accustomed to preach," were also to see that the duty was discharged by others.

throche all the partis of the realme, to mak thame selffis able, and use thair awin offices according to thair fondationis and callingis, within the space of sax monethes, onder the pane of deprivation; quhilk was the princepall caus that a gret nomber of younge abbottis, priors, deanis, and benefest men assisted to the interprice and practise devysed for the ourthrow of the Catholicke religeon, and tumult aganis the quene and Frenche men, fearing tham selffis to be put at, according to the lawis and statutes."[1]

Lesley wrote thus in the vernacular before he wrote his Latin version, the corresponding passage of which may be quoted to show the variations—

"De reliquis duobus articulis, ne plus sibi quam veritati indulsisse viderentur, in eam sententiam itum est, ut omnia ad antiquorum exemplar, ac Concilii Tridentini normam conformarentur, ut episcopi, abbates, priores, decani, archidiaconi, pastores, ac cujuscunque ordinis religiosi intra sex menses, vel munus quisque suum præsentes obirent, vel beneficiis Ecclesiæ quàmprimum cederent. Nonnulli religiosi, et alii qui solutius per totam vitam degentes, tam arcta Ecclesiæ disciplina nolebant astringi, aut qui omnis plané eruditionis expertes provinciam suam non poterant ullo modo tueri, bello Ecclesiæ Romanæ quasi indicto, ad hæreticos apertè deficiunt, ac infestissimis animis Ecclesiæ rem evertendam curant. At præcipuam operam hic navant irreligiosi quidam monachi, non quidem ut conscientiæ suæ satisfacerent, sed ut libidinem expleturi, scorta, uxorum titulo, impunè deinceps foverent."[2]

Here is Father Dalrymple's rendering of this passage—

[1] Lesley's *History of Scotland*, Bannantyne Club, pp. 270, 271. *Nor was prescrivit* = than was prescribed. It may be noted that, although Lesley was a dignitary of the Roman Catholic Church, he calls the archdeacons *archdeans*. This may be explained by the coarse title which in Scotland the vulgar generally gave the archdeacon (Cosmo Innes' *Scotch Legal Antiquities*, p. 181).

[2] *De Origine moribus et rebus gestis Scotorum*, 1675, p. 505.

"Tueicheng the tua last artickles, that tha appeir not to favour thame (selves) ouer mekle, and mair than the veritie and true truth cravet and requiret, in this tha conclude, that al be done conforme to the exemple of thair elderis, (and) eftir the maner of the Counsel of Trent, that bischopis, abbates, prioris, deaconis, archdeaconis, pastoris, or quhatevir state of religious persounis, be present outher in vi monethis to serve his cure, or incontinent, schortlie, and in al haist lat ilk man renunce and gyf ouer his benefice with diligence. Some religious persounis, and utheris, quha war lous in thair hail lyfe, wald not be under sik discipline, and to the Kirk sa strait bund; or becaus of thair ignorance, that uttirrlie na lettres tha had to serve thair cure, offiring in a maner the combat to the Romane Kirk, defected til hæresie, and war plane hæretiks, prepareng with al (the bitterness of) thair harte, the destructione of the Catholik and Romane Kirk, quhilk uttirlie tha mark to ouirthraw. In quhilk labour to performe war cheiflie bent sum religious persounis speciallie mounkis contrare the religione, not samekle for conscience caus, or ony way to serve thair conscience, as to satisfie thair affectione and lust of thair flesche, quhen tha held up commoun huiris, in the name of wyfes, thaireftir, quhilk unpunisit tha thocht weil tha mycht doo."[1]

The extract which I have given from Lesley's Latin version is appended by Bellesheim as a footnote to the passage quoted above from his *Geschichte der Katholischen Kirche in Schottland*. Father Hunter Blair omits the last sentence, perhaps because it is too palpably false. It will be observed that while Lesley's vernacular account represents the provincial council as enacting and commanding all the bishops, abbots, priors, deans, archdeacons, and others, to make themselves able and use their offices within six months under pain of deprivation,

[1] Lesley's *Historie of Scotland*, translated in Scottish by Father James Dalrymple, Scottish Text Society, ii. 399, 400. It is rather curious that a priest should translate *decani* as *deaconis*.

his Latin version does not imply that this was an actual statute or command, but rather the conclusion or answer given to two of the articles sent in by the queen-regent; and nothing is said as to making themselves fit for their offices, but merely that they are to serve their cures personally within six months or give up their benefices as soon as possible. As there was no such statute the fear of its being put in force could not be a minor cause, far less the principal cause, why a number of the beneficed clergy turned against and helped to overthrow the Church in which they had been reared.

APPENDIX I (p. 135).

Presentation of Bishop Lesley to the Chaplainry of Warthill.

"Presentatio Magistri Johannis Leslie, Officalis Abirdonensis, super capellania de Warthill infra diocesim Abirdonensem, nunc vacante per decessum quondam Domini Roberti Chalmer, ultimi capellani et possessoris ejusdem, ad presentationem domine regine, et collationem ordinariam Episcopi Abirdonensis, spectante, etc. Apud Fontanbellew, octavo Marcii, anno etc. v^{c} lx^{o}. Per signaturam."[1]

[1] *Register of the Privy Seal*, xxx. 41.—Lesley tells that several of the nobles and bishops sent him with a special commission to France to interview Queen Mary, and that he met her on the 14th of April 1561 at Vitry (*History*, Ban. Club, p. 294). The above extract shows that on the 8th of the preceding March she had presented him to the chaplainry of Warthill. On the 21st of May 1567 he obtained the escheat of "Barbara Leslie, spous for the tyme to Maister Williame Con of Auchry," which pertained to the queen "be ressoun of eschete throw the slauchter of the said Barbara, committit be hirself, in the moneth of Maii instant" (*Register of the Privy Seal*, xxxvi. 115).

[*Translation.*]

Presentation of Mr. John Leslie, Official of Aberdeen, to the chaplainry of Warthill in the diocese of Aberdeen, now vacant by the death of the late Sir Robert Chalmer, last chaplain and possessor of the same, pertaining to the presentation of our lady the queen and the ordinary collation of the Bishop of Aberdeen. At Fontainbleau, the 8th of March, anno etc., five hundred and sixty.

APPENDIX J (p. 161).

CERTIFIED EXTRACT FROM THE BOOK OF THE OFFICIAL OF ST. ANDREWS PRINCIPAL, CONCERNING THE TENANTS OF RATHILLET.[1]

"Per dominum officialem die Martis viz. duodecimo mensis Februarii anno Domini millesimo quingentesimo vicesimo, quo die Prior Fratrum Predicatorum Sanctiandree viz. frater Johannes Gresone produxit cartam regiam suo magno sigillo unionis et incorporacionis annorum (*sic*) reddituum fructuum et emolimentorum loci et ecclesie Sancte Katrine de Cupro loco dictorum Fratrum Predicatorum Sanctiandree; propterea moniti sunt Robertus Dalglesch Andreas Rawat Villelmus Lausone et Johannes Smyth tenentes de Rachilliit ad satisfaciendum dicto loco Fratrum Predicatorum Sanctiandree de quinque libris annuatim, pro annuo redditu eiis debito ex dicta villa quamdiu ocupaverint eandem ad duos anni terminos festa Penthecostes et Sancti Martini annuatim equaliter et terminatim post quemlibet terminum infra xx dies sub pena excommunicacionis, et de l. s. debitis ex termino

[1] From the original in the municipal archives of St. Andrews. The seal is gone.

Sancti Martini ultime elapso infra xv dies sub pena excommunicacionis.

"Ita est ROBERTUS LAUSONE subscribo manu propria.

"Extractum de Libro Actorum Domini Officialis Sanctiandree principalis et sigillo officialatus ejusdem roboratum apud Sanctumandream anno die et mense antedictis."

[*Translation.*]

By the lord official on Tuesday, namely the twelfth of the month of February, in the year of the Lord one thousand five hundred and twenty, which day the prior of the Preaching Friars of St. Andrews, namely, Friar John Gresone, produced a royal charter, with its great seal, of the union and incorporation of the annual rents, fruits, and emoluments of the place and church of St. Katherine of Cupar with the place of the said Preaching Friars of St. Andrews.[1] Therefore Robert Dalglesch, Andrew Rawat, William Lausone, and John Smyth, tenants of Rachilliit, were admonished to satisfy the said place of the Preaching Friars of St. Andrews of the sum of five pounds annually as the yearly rent due to those [friars] from the said village, as long as they [*i.e.* the tenants] shall occupy the same, at the two terms of the year the feasts of Pentecost and St. Martin [*i.e.* Whitsunday and Martinmas], annually, equally, and termly, within twenty days after each term under pain of excommunication; and of the debt of fifty shillings, due since the term of St. Martin last past, within fifteen days under pain of excommunication.

So it is: I ROBERT LAUSONE subscribe with my own hand.

Extracted from the Book of the Acts of the Lord Official of St. Andrews principal, and confirmed with the seal of the same officialate, at St. Andrews, the year, day, and month aforesaid.

[1] The charter of confirmation under the great seal produced by Friar Gresone is dated 23 January 1520–21 (*Register of the Great Seal*, 1513–46,

APPENDIX K (pp. 292, 367).

Sale of the Black Friars monastery in St. Andrews at the Reformation.

The original feu-charter, by which John Gresoun and the other friars disposed of the yard of the monastery, on the 21st of June 1559, is preserved in the Register House; and is thus summarised in the official MS. calendar—

"Feu Charter by Friar John Gresoun, professor of theology, Prior Provincial of the order of Friars Preachers within the kingdom of Scotland, and then Prior of the place of that order in the city of St. Andrews, and the conventual brethren of said place, whereby, in consideration of good services rendered and to be rendered, and of a sum of money paid to them in their need, being violently expelled from their destroyed place, they give and grant and in feu-farm demit to William Moris, senior, wright, citizen of St. Andrews, in liferent, and William Moris, junior, his son and heir apparent, Andrew Morris also his son, George Swyne in Methill, and John Bicartoun in St. Andrews, and the heirs male of their bodies, lawfully procreated or to be procreated, in fee, of the garden of their place on the south side of the refectory thereof, and between it on the north and the common burn[1] of the said city called the leyd on the south, and the tenements of Thomas Wemes and Andrew Lundy on the west and east parts: To be holden *de nobis* in feu-farm, paying therefor yearly, the said William Moris, senior, during his life, the sum of 15 merks Scots, and after his decease the said fiars paying yearly to the granters and the longest liver of them, whether within or without St. Andrews but within Scotland, in whatever place they

No. 196), so that he waited barely three weeks before taking action against the tenants of Rathillet.

[1] Not the Kinness Burn, or Nether Burn as it was then called, but the mill lade.

may be staying, 16 merks Scots in equal portions, that is each for his own fourth part of the said garden 4 merks in name of feu farm, and 5 shillings to the lights of the altar of the Blessed Virgin Mary of the parish kirk, 4 shillings to one of the chaplains of the altar of St. Ninian, and 16 pennies to one of the chaplains of the altar of St. James the apostle and St. Palladius, bishop, in name of annual rent, besides burgh mail aught and wont. It is provided that if any of the brethren (*religiosi*) in said place, or in any other place of their order within Scotland, shall be again recalled to the service of God in the said place, in regular habit, according to the statutes and rule of the order of Friars Preachers, the grantees shall, without obstacle and without the repetition of any sum of money large or small, renounce all rights of feu under the said charter and sasine to be granted thereupon, in and to the said garden, and shall freely demit the same to the brethren so recalled for their use, enjoyment and possession, even as the granters possessed the same. And it is further provided that the grantees shall not be entitled to sell, grant or demit in feu-farm, or otherwise alienate, to any person, or burden with ground annual, the foresaid garden or any part thereof, on pain of nullity and reversion to the granters and their successors. At St. Andrews 21 June 1559. Witnesses: John Tailzour and George Hegy, citizens of St. Andrews, William Tailzour and John Hegy, *cum diversis aliis.*

> "Frater JOHANNES GRESOUN, Provincialis, manu sua.
> Frater THOMAS LISTOUN manu sua.
> Frater HENRICUS MASONE manu sua.
> Frater ALEXR. BALCANQUALL manu sua."

The sasine, indorsed on the charter and signed by Gresoun, testifies that, on the 4th of July 1559, he proceeded to the said garden and there, *manu propria*, with consent of all the brethren of the said place, gave sasine by delivery of earth and stone in the hands of William Moris, senior. The yard or garden thus conveyed

extended from the south side of the refectory southwards to the mill-lade, comprising the greater part of the ground adjoining and belonging to the monastery. As there had been excambions of annual rents by the Black Friars and the chaplains of the parish church,[1] it cannot be inferred from the stipulations concerning the annual payments to the chaplains of certain altars in the parish church, not even from the one relating to the lights of the altar of the Blessed Virgin, that these altars had not yet been overthrown. From the concluding stipulations, it would appear that Gresoun and his friars were hopeful that they might again occupy the place, and resume their interrupted services. Almost nine months elapsed ere Gresoun, in the parish church in presence of the congregation (17th March 1559–60), made his solemn recantation, renouncing all the errors and corruptions of the pope's Kirk, and all other "ungodlie opinioness and inventis of men."[2] All expectation of returning to the ruined monastery might well have vanished by that time, but a lingering hope yet survived.

Thirteen months later he and his friars sold to George Lord Setoun the remaining part of the ground, that part on which the buildings, ruined and unruined, stood. The feu-charter, which is preserved in the municipal archives of St. Andrews, is dated at St. Andrews on the 8th and at Setoun on the 14th of April 1561; and is signed, "Frater Johannes Gresoun, Provincialis, manu sua; Frater Thomas Listoun, manu sua; Frater Henricus Masoun, manu sua." It conveys—

[1] In at least one of these transactions, it was provided that, if the tenements from which these annual rents were paid became so ruinous that the chaplains could not get payment, the Black Friars were to make payment to them, either from the monastery or from other tenements (*Indenture* of 9th January 1530–31, in the municipal archives of St. Andrews).

[2] *Supra*, pp. 291, 292.

"All and whole that space of land, in which our monastery within the city of St. Andrews was built, with the buildings thereon, and the entire annual yield of the garden of the same, and the other pertinents, as it lies in length and breadth and on the south side of the South Street of the said city, between the said South Street on the north side, and the southern wall of the refectory of our said monastery on the south side, and the tenement of Thomas Wemys on the west side, and the tenement of Andrew Lundy on the east side."

Besides the services rendered and to be rendered, Lord Setoun had also paid a certain sum of money to the friars, as the charter says, "in our great need and indigence when we were forcibly expelled from our said monastery which was destroyed." Lord Setoun and his heirs male were to hold the subjects of the granters and their successors, the provincial, prior and friars of the said monastery, whom failing, of the Archbishop of St. Andrews and his successors; and were to hold them in their "buildings, erections, houses, workshops, walls, ruins, fences, timbers, beams, stones, stone and lime."[1] It was stipulated that during the lives of the granters, and for ten years after the date of the charter, neither Lord Setoun nor his heirs should bestow, sell, or alienate in any other way, or burden with any annual rent, the said space of land or any part of it, or sell or bestow "the stones and redd of the church, cloister, dormitories, or other buildings, formerly built in it."[2] It was further provided that—

"If it happen, through the Lord's mercy, that any of those men who were at one time religious in the aforesaid

[1] "In edificiis, structuris, domibus, frabricis (*sic*), parietibus, parietinis, muris, mureniis (*sic*), lignis, lapidibus, lapide et calce."

[2] "Lapides et rudera ecclesie, claustri, dormitoriorum aut aliorum edificiorum olim in eo constructorum."

monastery, or in any other monastery of our order within the kingdom of Scotland, should be recalled to serve God in the said monastery in regular habit, according to the statutes and rule of the Order of Preachers, then and in that case the aforesaid noble lord and his heirs aforesaid shall, without difficulty and obstruction whatever, and without repetition of any sum of money greater or smaller, renounce all right, and title of right, which they can have by reason of this charter and sasine to be given thereupon, to the aforesaid space of land, and the annual yield of the garden of the same, and shall demit it free and freely to the said men who shall happen to be recalled."[1]

The whole annual yield of the garden, and the free use and usufruct of the whole of the subjects, were reserved to the granters, and to the longest liver of them, for life. Lord Setoun was to pay an eighth part of the annual yield to the heirs of the late Walter Monypenny, and the annual rents due from a certain part of the said space and garden, as more particularly contained in the charter of the garden to William Moris, senior, and others. He was liable, of course, for the burgh mail, and the service due to the archbishop.

APPENDIX L (p. 368)

Charles I. and St. Andrews Cathedral.

In the Register House there is a paper of Instructions, dated "Hamton Court the 14 of October 1634," superscribed "Charles R.," and subscribed "C.R." One of the paragraphs runs thus—

[1] "Si contingat Domino miserante, aliquos virorum illorum qui fuerunt aliquando religiosi in prefato loco vel alio quocunque loco nostri ordinis

"Being resolved to reedifie the cathedrall church of St. Androis, our pleasour is that you, with our masteris of worke and such uthers as you sall find to be understanding men in architectorie, in presence of the Archbischope of St. Androis, survey the vestiges of the sayd churche and how the same may best be helped or of new built, and that yow with the first occasion certifie us of your and ther opiniones therin."[1]

APPENDIX M (p. 368).

Inventory of the furnishings of St. Andrews Priory in 1565.[2]

"In Dei nomine amen, per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod, anno incarnacionis Dominice millesimo quingentesimo sexagesimo quinto, mensis vero Septembris die nono, excellentis-

intra regnum Scocie, iterum revocari ad serviendum Deo in dicto loco in habitu regulari secundum statuta et regulam Ordinis Predicatorum, tunc et in hoc casu predictus nobilis dominus et heredes sui prescripti, absque difficultate et obstaculo quocunque et repetitione alicujus summe pecunie majoris vel minoris, renunciabunt omni juri et juris titulo quod et quem habere poterunt ratione hujus carte et saisine desuper conferende ad predictum terre spacium ac annuum censum horti ejusdem, dimittentque ipsum liberum ac libere dictis viris quos continget revocari."

[1] I have been unable to find the report which these instructions doubtless evoked. Next year, in mortifying the priory to the archbishopric, Charles stipulated that part of the revenues should be used in building and repairing the cathedral until it was perfected and finished (Martine's *Reliquiæ*, p. 178). Gordon of Rothiemay's plan shows that in 1642 the cathedral was in much the same condition as it is in now.

[2] For what he did, and for what he declined to do, in connection with the queen's marriage to Darnley, the Earl of Murray was proclaimed a rebel on the 6th of August 1565 (Fleming's *Mary Queen of Scots*, p. 111). She was in St. Andrews on the 12th and 13th of September (*ibid.* p. 534). This document is interesting as proving that the priory of St. Andrews

simorum principum Henri (*sic*) et Marie, Dei gratia regis et regine Scotorum, annorum regnorum eorundem primo et vicesimo tertio. In mei notarii publici et testium subscriptorum presentia personaliter constituti, honorabilis vir, Dauid Orme, civis civitatis Sanctiandree, ac camerarius nobilis et potentis domini Jacobi Comitis Morauie ac commendatarii monasterii Sanctiandree, et Elizabeth Forrest, ancilla commitisse ejusdem, ejus uxoris, prout in vulgari sequitur.

"That is to say the said Dauid Orme—being chargeit be Stevine Dunlope, officer to our soverane lord and ladye, to deliver and gif ower the lugeingis and places perteinyng to the said erle and commenditor within the abbay of Sanctandrois, with the haill furneissing, insycht and pleneissing within the samyn—past, and efter the tenour and charge of the saidis lettres, deliverit to Robert Leslie of [*blank*] this gair efter following, viz.

"In the *gryt hall* of the AULD LUIGING, thre buirdis with bonkcarris and formeis therto pertenand, with ane copeburd with thre greis.

"In the *kitching*, four pottis, thre pannis, ane frying pan, thre speittis, ane bossing pan, ane brander, and twa dossin of powter weschell. Item ane dossin of truncheoris of tyn, with twa rakis for thre speittis.

"Item, in the *kitching stair*, ane burd.

"Item, in the *grytt chalmer*, ane greit burd of aik, twa formes, twa cussingis, ane cheir, thre stuillis, with ane copeburd of thre staige of Aisland burd, and ane yrine chymnay.

"Item, in *my lordis chalmer*, ane bed with curtingis of yallow seik, with ane mait of tafitie, ane fedder bed furneissit, with ane small Dauskyn counptar, and ane uther small burd, with small grein coveringis therto, with ane small yrine chymnay, with twa stuillis coverit with trypit wellwott, with twa cussingis.

was a residence of the Earl of Murray (and of his countess) after the Reformation; and also as giving an idea of the accommodation of those buildings (apparently the *hospitium vetus* and the *hospitium novum*) which formed his residence, and of their furniture. Mary of Guise spent her honeymoon in the *hospitium novum*, hence, perhaps, *the quenes utter chalmer*.

"Item, in the *galry*, tua beddis furneissit.

"Item, in the *lauch chalmer*, thrie peices of hingaris, twa burdis, ane therof ane Flanderis counptar, ane langsadill of aik, with ane greit wairstaw of aik, with ane small yrine chymnay therin.

"Item, in *my ladeis studie*, with hir buikis and certane vatteris, and four coffarris with hir clayis and sewingis.

"Item, in the *gardrope*, fyve pair of scheittis, sex coddis, ane dammes cannabie of grein, ane uther of blak, ane cannabie of grein seye. Item twa stand of courtingis, four peice of tapestrie, four pair of blankcattis. Item four coveringis for beddis, with four fedder beddis therto pertenand. Item ane cheir coverit with blak weluat. Item ane baithky[t] of roich worsat, to ly under nobillis feit. Item aucht cussingis, with thre burdis of daillis, with four stuillis, with twa stand of naiprye, that is to say as is in honest menis houssis.

"In the *nestreis chalmer*, ane small burd, ane small chymnay of irne, with ane small peice of tapestrie, and ane small liticampe bed.

"In the NEW LUIGING.

"Item, in the *enner chalmer* therof, ane small counptar of Danskin.

"Item, in the *greit chalmer* therof, ane copburd of aik.

"Item, in the *chalmer at the turnepykfuit*, ane burd of aik, with ane bed of aik but furneissing.

"Item, in the *ower galry*, ane foirface of ane pres, with ane pres of fyr and burd.

"Item, in the *chalmer* therof, ane toume bed with twa formeis.

"Item, in the *heich chalmer*, ane toume bed of aik, with ane Flanderis counptar, with ane small yrne chymnay.

"Item, in the *gryt chalmer* therof, ane aikin burd standand on treistis, with ane copeburd of aik. Item ane new unusit maskyn fatt.

"The quhilk Robert Leslie, being inquyrit be the said Dauid efter the foirsaid deliverance, gif that he hedde resavit the haill gair and pleneissing contenit in the inventor, quhilk William Hardye tuik upe and resavit of the said erles and commendatoris, of the dait the xxi

of August the yeir of God foirsaid. Quha ansuerit and said and grantit that he hedde resavit the haill gair and pleneissing contenit in the said Williamis inventor fra the said Dauid Orme. And attour the foirsaid gair, contenit in the inventor of the said Williames deliverit be the foirsaid Dauid to the said Robert Leslie, this gair efter following.

"In the first, in the *chalmer nixt the gardrope*, ane bed, twa burdis, ane forme.

"Item, in the *twa studeis*, ilk ane of thame ane burd.

"Item, in the *nether studye*, ane stuill.

"Item, in the *lauche chalmer*, four stullis oncoverit.

"Item, in *Walter Meluiles chalmer*, ane bed and ane burd.

"Item, in the *lard of Cleisches chalmer*,[1] ane counptar, ane bed and ane cheir.

"Item, in the *quencis utter chalmer*, ane chandelair of bras.

"Item ane uther in the *hall*.

"Item, in the *grytt chalmer*, ane cheir.

"Item, in the *sellar* nixt the yeit, twa peice of vyne, and the ane of thame rynnand.

"Item, in the *sellar* nixt it on the samyn syd, ane pype of vyne seke.

"Item, in the *sellar* undir the hall woindok, four peice of vyne unsteid, and the rest of ane punscheoun.

"Item, in the samyn *sellar* quhair the pype lyis, thre punscheonis of clared wyne, with certane tymmer and glas unput in the memoriall. Item twa gounes of my ladeis, ane of freis and ane of stemmyng. Item twa breistis of Spenezee cattis, and twa montillingis of Spenzie cattis. Item ane haill furring of ane clok, the breistis thereof of blak cunyngis.

"Quhilk gair above wryittin Stevin Dunlope, officer, fensit and arrestit the samyn day and yeir, efter the tenour of our said soveraneis lord and ladeis lettres. And efter the deliverance of the haill gair and keyis and plenessing of the said luigingis and places conforme to the foirsaid charge, the said Dauid Orme protestit that, it sould be reput and haldin for obdience (*sic*) of the said

[1] The laird of Cleisch was master of Murray's household (*Proceedings of the Society of Antiquaries of Scotland*, i. 196).

charge, and fulfilling of the will of ouris said soveraneis lord and ladeis lettres, lyk as the said did and obeyit the lettres and charge theranent. Super quibus omnibus et singulis, dictus Dauid Orme et Essebella Forrest a me, notario publico infrascripto, unum seu plura publicum seu publica instrumentum seu instrumenta sibi respective fieri petierunt. Acta erant hec apud portam anteriorem monasteri Sanctiandree, hora octava ante[me]ridiem aut eo circa, sub anno, mense et die quibus supra. Presentibus ibidem Roberto Carmichaell in Baiglie commorante, Dauide Coling, Willelmo Henrisoun, Jacobo Zeman alias Nicolsoun, civibus Sanctiandree, Magistro Jacobo Erskyne, in Collegio Leonardino commorante, et Dauide Coling notario publico, testibus ad premissa vocatis et rogatis.

"Ita est JOANNES SCOTT notarius in premissis manu sua propria premissa scripsit."[1]

APPENDIX N (p. 369).

ST. ANDREWS PRIORY AFTER THE REFORMATION.

Not only did some of the canons continue about the monastery until they died, but part of the ground within the precincts was divided among them in life-rent, and several of them married. Thus, in January 1565–66,

[1] I have broken up this extract into paragraphs, and have italicised the names of the apartments. *Bonkcarris* = benches or low chests serving for seats, *greis* = stages or compartments in the height of the cupboard, *rakis* = racks, *aik* = oak, *cussingis* = cushions, *Aisland* = the countries adjoining the Baltic, *yrine chymnay* = movable iron grate or fire-pan, *Danskyn* = Dantzig, *counptar* = table, *trypit wellwott* = an inferior kind of velvet, *hingaris* = hangings, tapestry, *clayis* = clothes, *coddis* = pillows, *liticampe bed* = camp or field bed, *ryne seke* = sack, *Spenezee cattis* = Spanish cats (? tortoise-shell cats), *montillingis* = furrings for a mantle, *cunyngis* = rabbits.

David Cuik, described as formerly a canon of the metropolitan church of St. Andrews, with express consent of the convent of the same for the time—

"For certane benefeitis, gratitudis and guid deidis, doin to hym be Alesoun Broun, the relict of umquhille William Wilsoun channon of the said abbay, in his gryt urgent necessitie, settis and to ferme lattis, and be the tenour heirof settis, to the said Alisoun Broun, all and haill the saidis Dauidis part of ane yard within the abbay place of Sanctandrois, quhilk pertenit and was equallie dividit betuix umquhile Wilsoun channoun forsaid and the said Dauid, with pertenentis, betuix the yardis of Dauid Peblis at at (*sic*) the north, the little yard quhilk was callit the commoun yard of the said abbay at the eist, and now is occupeit be Mr. Jhonne Wynram, Superintendit of Fyff,[1] the watter passand to the abbay millis at the souith callit the laid, and the gren wayill that lyis betuix the yard of Patrik Duncainsoun umquhille chantour of the said abbay at the wast, for all the dayis and yeiris of the said Dauidis lyftyme alanerlie."

Alison Broun was to pay David Cuik fifty-three shillings and four pence Scots yearly; and was also to deliver to him "ane fur of guid loukit kaill, and failyeand tharof ane fur of ony uther kaill quhilk growis best in the yard, ane pect unnyeonis, at the tyme usit and wont that kaill and unnyeonis sould be payit yeirlie." Cook signs as "Dauid Cuk reader." John Wynram also signs, and so do John Duncansoun and Alexander Mwyr.[2] An instrument of sasine narrates that, on the 21st of April 1571, there compeared personally—

[1] An unfinished entry at the end of the volume, dated 2nd October 1573, refers to "the superintendentis chalmer within the abbay of St. Androis."

[2] *Protocol Book* of John Scott, 1564–1575, fol. 28.

"David Peblis, one of the brethren and foundation members (*fundatis membris*) of the monastery of St. Andrews, and Katherine Kynneir his spouse, having and holding in their hands a certain charter of feu-farm of life-rent written on parchment, containing towards the end a precept of sasine, of all and whole that house now inhabited and possessed by David himself, with the garden plots adjoining the said house on the south side, lying within the said monastery, and having the wall of the monastery at the east, the garden of Alan Buige at the south, the garden of the chapel of St. Magdalene with the chapel itself at the west, and the cemetery of the old church at the north; also of all and whole that garden occupied by the same David, lying within the said monastery, having the garden of John Fleggar and the garden of the barn (*hortum horrei*) called the barn-yard at the east, the wall of the monastery at the south, the garden now occupied by John Williamsone at the west, and the garden occupied by Nicholas Cuik at the north, with the house built in the same and the pertinents of the same."

The charter had been granted on the 16th of April 1571 by Robert Stewart, perpetual commendator of the monastery, and the convent of the same.[1] David Peblis was one of the prime musicians of the country.[2] In 1600 there were so many residents within the priory precincts that it was considered a matter of some importance whether they should repair for worship to the parish church of St. Andrews or to the Church of St. Leonard's.[3]

[1] *Protocol Book of* John Scott, 1564–1575, fol. 100.
[2] *Register of St. Andrews Kirk-Session*, i. 40, 41.
[3] *Ibid.* ii. 934, 938.

APPENDIX O (p. 505).

Degrees of Relationship and their Computation.

"*Lines and degrees of Relationship.*—The relationship of parties is distinguished by lines—a line being a series of persons descended from a common root. Lines, again, are measured by degrees—a degree being the distance of relation between two or more generations. Relationship also differs in its character. It may be either by consanguinity or affinity.

"1. *Consanguinity.*—Persons are related by consanguinity who are descended from the same ancestor, and the connection may either be by the *direct* or *collateral* line.

"*Direct Line.*—The direct line is that formed between the persons generating and generated, and is divided into the ascending and descending line: a son is related to his father, grandfather, etc., in the direct ascending line; and a father to a son, grandson, etc., in the direct descending line. In the direct line there are properly no degrees with regard to the question of marriage, the great-grandmother being as near as the mother,—that is to say, the prohibitions strike against all ascendants and descendants equally.

"*Collateral Line.*—The collateral or oblique line of consanguinity is formed by persons sprung from the same common root, but who are not ascendants and descendants of each other, such as brothers, uncles, cousins.

"2. *Affinity.*—Affinity is the relationship which arises from marriage. It takes place between the husband and the *blood* relations of the wife, and between the wife and the *blood* relations of the husband. The relations of the one spouse stand to the other in the same connection by affinity as they do to him or herself by consanguinity. In order to constitute affinity, the marriage must have been consummated by copula.

"*Mode of computing the Degrees.*—The mode of com-

puting the degrees is, in modern times, generally according to the Roman law, although sometimes the Canon law computation is still adopted. The comparative merits of the two systems have been fiercely urged by the rival doctors of the Civil and Canon laws. It is not the object of this Treatise to discuss this question; but as both systems are in use in Scotland, it will be necessary shortly to state them.

"*Roman Law Computation.*—Both modes were necessarily the same, so far as regarded the direct line; but they differed very considerably with reference to the oblique. In the direct line, by the Roman law, the number of degrees between one person and another was ascertained by counting the number of generations up to, and including, the common stock. Thus, a father and a son are only one degree distant from each other, because there is only one person, viz. the son, generated from the father, who is the root of the son; and a grandson, by the same rule, is two degrees distant from his grandfather.

"In the *oblique* line, the computation proceeds by counting the number of persons upwards, from one of the parties, to the common stock, and thence downwards to the other party, excluding the common stock. Brothers, therefore, are two degrees distant from each other, because they are each one generation distant from the common root, the father. Cousins-german are distant in the fourth degree, and their children or second cousins in the sixth. An uncle, again, is distant from his nephew in the third degree, because, if we ascend to the common ancestor of both, it will be found that, counting from the uncle, there is one generation up to the *stipes communis*, and two generations from the latter down to the nephew.[1]

"*Canon Law Computation.*—The Canon law computation is the same as that of the Roman law in the direct line of ascendants and descendants. But in the oblique line there is an important difference. Before stating this,

[1] In a foot-note, Lord Fraser mentions that, in the opinion of many commentators, the Roman law computation given above "had no relation whatever to marriage, but that it was entirely applicable to generations in succession and tutelage."

it may be premised that the Canonists divide the oblique line into equal and unequal; the former being that where collateral relations are removed at an equal distance from their common ancestor, such as brothers and cousins-german; and the unequal where they are unequally removed, such as uncle and nephew, grand-uncle and grand-nephew. By the Canon law, the computation of the degrees in the equal oblique line was not, as in the Roman system, by counting the number of generations on both sides, but simply the number intervening between either of the parties and the common stock, the result being the number of degrees in which they were distant from each other. Thus, brothers by the Canon law stand toward each other in the first degree, because they are distant from the common root, their father, in the first degree; whereas, by the Roman law, brothers were related in the second. By the Canon law, cousins-german are related to each other in the second degree, because they are only two degrees distant from the common stock; by the Roman law, they are related in the fourth.

"In the *unequal* oblique line, such as uncle and nephew, the number of degrees is found by counting the number of degrees between the party *farthest* removed and the common stock. By this rule an uncle and nephew stand related to each other, like cousins-german, in the second degree, because the nephew, who is farthest removed from the common stock, stands in the second degree to his grandfather, the common ancestor of his uncle and himself. And a grand-uncle and grand-nephew are three degrees distant from each other, because the grand-nephew stands in that relation to the common stock, his great-grandfather.

"Such are the two modes of computation of the Roman and the Canon law. Prior to the Reformation, the latter was adopted in this country; and, even after that event, the Scotch legislature still continued the ancient practice, for the statute 1567, cap. 15, designates cousins-german '*seconds*' in degrees of consanguinity. In later times, however, the Roman law computation has been found

more convenient, and has been more approved of by Scotch lawyers."[1]

In 1895, in the case *Purves' Trustees* v. *Purves*, the whole Court of Session held unanimously—"(1) that in the computation of the degrees within which marriage is prohibited a relation of affinity is equivalent to a relation of consanguinity; (2) that as a man may not marry his own niece, neither can he marry the niece of his deceased wife." The judgment in this case was based on the Act of Parliament passed in December 1567, and of which a summary is given above (p. 503). In a previous case, *Fenton* v. *Livingstone*, it had been decided, in 1861, that that Act prohibited marriage with a deceased wife's sister; and in 1895 the five consulted judges referred to that case as "an authority of the greatest weight, to the effect that in the computation of the prohibited degrees a relation of affinity is in law equivalent to a relation of consanguinity." In Lord Trayner's opinion, that Act was "not now open to construction"; and he approvingly quoted Lord Curriehill as having observed (in the case of *Fenton* v. *Livingstone*) that it had already been interpreted "by a practice of three centuries, by all the institutional writers, and by the Legislature itself."[2]

[1] Lord Fraser's *Treatise on Husband and Wife*, 1876, i. 105–108.

[2] *Cases decided in the Court of Session, etc.*, fourth series, xxii. 513, 535–538.—That Act of 1567 was, the five consulted judges declared in 1895, "the last word of the [Scottish] Legislature on the subject." It continued to be the law of the land until 1908, when the British Parliament legalised marriage with a deceased wife's sister.

APPENDIX P (p. 527).

Excommunication.

At a council general, held by the king and three estates in 1443, it was resolved that a general process should be made, in the form of a "general cursing," against all the breakers of the freedom of Haly Kirk, and also against particular persons by "censuris of Haly Kirk"; and that each prelate should assist the process of the others. Moreover, no notorious spoiler, disturber or invader of Haly Kirk, and none against whom the process of cursing is led, should be received within the king's castles or places, or come into his presence, or be admitted to council or parliament, or heard or answered in the law concerning fee or heritage or any other cause, but should be ever eschewed "as cursit" until they amend, satisfy the party, and obtain absolution in form of law.[1] Parliament, in 1469, forbade masons, wrights, and other craftsmen, to keep more holy days than "is biddin of Haly Kirk of gret solempnit festis"; and the ordinary was to lead "process of cursing" against the contraveners.[2] The governor, lords of privy council, and most part of the nobles, ordained in 1549 that the Archbishop of St. Andrews should direct "lettres of cursing upon the prelatis and kirkmen," who did not pay their share of the tax for resisting the English.[3]

In pre-Reformation days ecclesiastical cursing was apparently a common way of recovering debt; but as the Church fell into contempt this lash became less efficacious; and so in 1525, and again in 1535, Parliament enacted that—

[1] *Acts of Parliament*, ii. 33. [2] *Ibid.* ii. 97. [3] *Ibid.* ii. 600.

"Becaus mony and divers, the kingis liegis of this realme, lyis under the horrible sentence of cursing, seperat fra the suffrage and prayer of the Kirk and merite of the blude of Criste, to the dampnacioun of ther saulis, evill exemple, perrell and danger of the uthir gud subdittis of the realm, therfor, quhen ony of our soverane lordis liegis sustenis dampnablie the said horrible sentence of cursing for the space of xl dais, quharupoun capcioun aucht to be gevin be the law, the party, at quhais instance thai persouns ar cursit, sall haif our soverane lordis lettrez to punde, prise and distrenye ther gudis, movable and unmovable, for payment of the sowmes for the quhilkis thai ly under the said sentence; and geif the saidis persouns lyis under cursing be the said space for nocht doing or fulfilling of ony act or deid, in that cais the persouns ther creditouris sall haif lettrez in the first, secund, thrid and ferd formes, according to the ordinaris lettrez of cursing."[1]

The general excommunication published and fulminated four times a year in the churches of the diocese of St. Andrews, in the fifteenth century, is characterised by vigour and comprehensiveness. It was directed against transgressors of all kinds, beginning with those conspirators who rise against their own bishop or any other bishop of the realm, and particularising all sorts of delinquents, including usurers, witches and believers in them, those who coined false money or clipped the king's coin without leave, reivers and thieves and their resetters, heretics, falsifiers of the pope's bulls, and poisoners, not forgetting those who troubled "the fredome of Haly Kirk in wod, watir or pastur," nor those "that puttys violent hand on preist or clerk bot in thare defens," and winding up with those who, having been thrice lawfully admonished in the kirk, were unamended, "and al consalaris, resattaris, helparis,

[1] *Acts of Parliament*, ii. 297, 342. *Subdittis* = subjects, *punde* = poind.

and favoraris to thame." Not only were these poor wretches excluded from "the fredome [*i.e.* the privileges] of Haly Kirk," but they were specifically cursed while sitting, standing, riding, walking, sleeping, awake, eating and drinking, in the house and out of the house. This was not enough, for the excommunication thus proceeds—

"Cursit be thai fra the crowne of the hede to the soile of the fute. Castyn be thai owt of the dwelling place of Christin menn, and othir menn bruke thar lordschip. Na helparis have thai. Few be thar daies. Othir men bruke thar possessionis. Oute be thai tane of the Buke of Lyfe, and with rychtwiss menn be thai nocht wrytyn. Thar dwelling be with Dathan and Abyrone, the quhilkis the erde swellyit for thar synn. And, as this candil is castyn fra the sycht of men, sua be thar saules castyne fra the sycht of God into the depast pot of hel, ever to remane with the cursit Nero the wikkyt emperour, and his cursit falowschip, bot gif thai cum til amendis eftir thair power. Amen."

As the last words were pronounced, a candle was dashed to the ground and extinguished. All this was professedly done by the authority of God Almighty, Father, Son, and Holy Ghost, and by the authority of the Virgin Mary, and all the holy saints of heaven.[1]

The publication in churches four times a year of such excommunications—known popularly, ecclesiastically, legally, and deservedly as cursings—must have familiarised an ignorant and uneducated people with handy imprecations for all occasions and emergencies. Vehement and virulent as that quarterly cursing was, it could be and was surpassed by others. In the cursing which Gavin Dunbar, Archbishop of Glasgow, issued

[1] Robertson's *Statuta*, ii. 6–8; Patrick's *Statutes*, pp. 5–7. *Bruke* = enjoy, possess, *tane* = taken, *nocht* = not, *erde swellyit* = earth swallowed.

against the Border reivers, and which was published in every notable place on the Scottish Borders in 1525, there are remarkable expansions and additions, some of which may be quoted—

"I curse thair heid and all the haris of thair heid; I curse thair face, thair ene, thair mouth, thair nese, thair toung, thair teith, thair craig, thair schulderis, thair breist, thair hert, thair stomok, thair bak, thair wame, thair armes, thair leggis, thair handis, thair feit, and everilk part of thair body fra the top of thair heid to the soill of thair feit, befoir and behind, within and without. . . . I curse thair wiffis, thair barnis, and thair servandis participant with thaim in thair deides. I wary thair cornys, thair catales, thair woll, thair scheip, thair horse, thair swyne, thair geise, thair hennys, and all thair quyk gude. I wary thair hallis, thair chalmeris, thair kechingis, thair stabillis, thair barnys, thair biris, thair bernyardis, thair cailyardis, thair plewis, thair harrowis, and the gudis and housis that is necessair for thair sustentacioun and weilfair. All the malesouns and waresouns that ever gat warldlie creatur sen the begynnyng of the warlde to this hour mot licht apon thaim. The maledictioun of God, that lichtit apon Lucifer and all his fallowis, that strak thaim fra the hie hevin to the deip hell, mot light apon thaim. The fire and the swerd, that stoppit Adam fra the yettis of Paradise, mot stop thaim fra the gloir of Hevin, quhill thai forbere and mak amendis."[1]

As these lawless Borderers could hardly be expected to be familiar enough with the history of the world to know what was implied in the phrase "all the malesouns and waresouns that ever gat warldlie creatur sen the begynnyng of the warlde to this hour," many of the most woeful are considerately referred to, including those that fell on cursed

[1] *Ene* = eyes, *nese* = nose, *craig* = throat, *wame* = belly, *everilk* = each, *barnis* = children, *wary* = curse, execrate, *quyk gude* = live stock, *barnys* = barns, *biris* = cowhouses, *bernyardis* = barnyards, *cailyardis* = cabbage-gardens, *plewis* = ploughs, *mot* = may, *yettis* = gates.

Cain, on the antediluvian world, on Sodom and Gomorrah, on the builders of the Tower of Babel, on Pharaoh and the Egyptians, on Korah, Dathan and Abiram, on Absolom, on Holifernes, on Judas, Pilate, Herod, Simon Magus, Nero, and others. Then it proceeds—

"I dissever and partis thame fra the Kirk of God, and deliveris thaim quyk to the devill of hell, as the appostill Sanct Paul deliverit Corinthion. I interdite the places thay cum in, fra divine service, ministracioun of the sacramentis of Haly Kirk, except the sacrament of baptissing allanerlie; and forbiddis all kirkmen to schriffe or absolve thaim of thaire synnys, quhill thai be first absolyeit of this cursing. I forbid all Cristin man or woman till have ony cumpany with thame, etand, drynkand, spekand, prayand, lyand, gangand, standand, or in any uther deid doand, under the paine of deidly syn. I discharge all bandis, actis, contractis, aithis, and obligatiounis, maid to thame be ony persounis, outher of lawte, kyndenes or manrent, sa lang as thai susteine this cursing; sua that na man be bundin to thaim and that thai be bundin till all men."[1]

It will be observed that, in the last sentence, the archbishop presumes to go beyond spiritual penalties, and subjects the excommunicated to serious civil disadvantages. The powers of his reverend lordship, however, were not yet exhausted, and so he continues—

"I tak fra thame, and cryis doune, all the gude dedis that ever thai did or sall do, quhill thai ryse fra this cursing. I declair thame partles of all matynys, messis, evinsangis, dirigeis, or utheris prayeris, on buke or beid; of all pilgrimagis and almouse dedis done or to be done in Haly Kirk, or be Cristin pepill, enduring this cursing. And, finaly, I condempn thaim perpetualie to the deip pit

[1] *Interdite* = interdict, *etand* = eating, *gangand* = going, *doand* = doing, *bands* = bonds, *aithis* = oaths, *outher* = either, *lawte* = loyalty, equity, *manrent* = homage to a superior, *bundin* = bound.

of hell, to remane with Lucifeir and all his fallowis; and thair bodeis to the gallowis of the Burrow Mure, first to be hangit, syne revin and ruggit with doggis, swyne, and utheris wyld beistis, abhominable to all the warld. And as thir candillis gangis fra your sicht, sa mot thair saulis gang fra the visage of God, and thair gude fame fra the warld, quhill thai forbeir thair oppin synnys foirsaidis, and ryse fra this terribill cursing, and mak satisfactioun and pennance."[1]

For centuries excommunication was the most powerful weapon in the armoury of the pope's Kirk, and it could be directed against an individual, a class, or a community. To those who believed that what the clergy bound on earth was necessarily bound in heaven, these cursings must have brought terror and dismay. Even the most callous in spiritual matters were made to feel the force of excommunication by the civil pains and penalties which accompanied it. As the clergy used the threat of cursing against their tennants to obtain prompt payment of their rents,[2] laymen could hardly be blamed for invoking its aid as a debt collector. Even the good Bishop Kennedy did not hesitate to use the pope's thunder when he thought it was required. In January 1444–45, the Earl of Crawford, the Ogilvies, and others, harried the lands of St. Andrews. In the words of an old chronicle: "And incontinent efter, Bischope James Kennedy cursit solempnitlie with myter and staf, buke and candill, contynually a yer, and interdytit all the placis quhar the persons wer." Exactly a year after the raid there was a great fight at the gates of Arbroath. The Earl of Crawford and the Ogilvies were in it, but on this occasion they were on different sides. The Earl

[1] *State Papers of Henry the Eighth*, iv. 416–419. *Hangit* = hanged, *syne* = then, *revin and ruggit* = riven and torn, *thir* = these, *gangs* = goes.

[2] *Supra*, p. 602.

of Crawford was victorious, but died of his wounds. Though dead, he was still under the cursing, and, therefore, no man dared to bury him until Bishop Kennedy sent the Prior of St. Andrews.[1] The pope would not allow the excommunicated corpse of James IV. to be absolved, unless he had shown signs of repentance before death, and so the dead king lay unburied.[2]

The threat of cursing was utilised in many other ways. Here is an example. By royal charter, the burgesses of St. Andrews were declared to have all the liberties of the king's burgesses; but the burgh had been founded by a bishop, and continued to hold of his successors in the see long after it regularly sent a commissioner to the Scottish Parliament. Consequently, when the Black Friars in St. Andrews wished, in 1525, to enlarge their monastery, instead of applying to the town council they applied to the archbishop. He allowed them to project an aisle of their church ten feet into the principal street, and to push out a boundary wall seven or eight feet upon the causeway; and forbade the provost, bailies, and councillors to interfere under pain of cursing and other pains, spiritual and temporal. As the document has not hitherto been printed, it is herewith subjoined—

"James, be the mercye of God, Archebischope of Sanctandros, legate and Primate of Scotland, and Commendatoure off Dunefermeling, to the Provest, baillies, counsall and communite of oure cietie of Sanctandros, and all utheris, thir present lettres sall cum, greting in God everlasting. Wittis ye, that we haiff grantit and gevin, for us and our successouris, and be the tennour of thir presentis grantis and giffis to oure devote oratoris, Priour and convent of the Freiris Predicatouris within oure said cietie of Sanctandros, and thair successouris, speciall licence to big and sett furthe ane yle the space off ten futtis utteth the

[1] *Auchinleck Chronicle*, pp. 38, 39. [2] Laing's *Dunbar*, i. 289–291.

northe wall of thair plaice apon the calsay and commune streit, becaus thair awne rowme betwix thair said northe wall and thair kirk is nocht sufficient and lairge for the lenthe of the yle foirsaid; and becaus the said yle biggin furthe apon oure calsay will be na difformite bot greit honestie to oure said cietie; and becaus we and our predecessouris ar first and principall fundatouris of the foirsaid place of Freiris Predicatouris within oure cietie foirsaid, quhilk thairfor we hayffe in mynde to promuyffe and extend in all thingis neidfull for the honour of God and his Kirk. The quhilkis causis and considerationis movit us to grant and gyff the foirsaid licence, togidder with licence to extend thair foirsaid northe wall, quhilk is thair kirkyairde dyke, safar apon oure said calsay as the squayre cuynyeis of the said yle sall extend, or the spaice of sevin or aucht futtis for the kirkyairde, extending utteth the said dyke that now is, to be of lenth fra the est to the west of the breid of thair plaice, that is to say, to be als lang as thair plaice is braid on the foirfronte.[1] To be haldin and to be had—the said licence and rowme of ten futtis for the yle, and sevin or aucht futtis braid for the kirkyairde with the lenth foirsaid, and all uthir pertinentis pertening thairto, and biggins to be maid thairupoun, to the said priour and convent and thair successouris—of us and oure successouris, archebischopis of Sanctandros, in pure and perpetuall almous for evir. Chairgeand yow, and everilk ane of yow, that ye nor nane of yow, cietenaris of oure said cietie, nor utheris in yowre namis, molest, truble, lett, inquiett, or mak onye impediment to the saidis priore and convent and thaire successouris—in peaceable setting furth and biggin of the said yle and kirkyairde dyke to the spaice foirsaid, or in brukin, joysyng of the saidis ten futtis for the yle, and sevin or aucht futtis for the kirkyairde to be of lenth of the breid of thair foirfront as said is—undir the paynis of cursing, and all utheris quhatsumevir ye may incurre, temporall or spirituall, for disobedience makin to us. In witnes of the quhilkis, we hayff subscrivit thir presentis and

[1] The frontage of their place to the street was about ninety-five yards.

causit our saill to be affixit at Edinburgh, the xix day of the moneth of Maii, in the yeir of God ane thousand v^c and xxv yeiris, befoir thir witnes, ane venerable fader in God, Alexander, Abbot of Cambuskeneth, Maister Jhone Ballatyne, George Durye, William Skirling, with utheris divers."[1]

In the *Order of Excommunication*, approved by the general assembly in 1569, it is said that "the thundringis of that Romane Antichrist ar bot vanity and wynd;" and lawful excommunication is defined as "the cutting off from the body of Jesus Christ,[2] from participatioun of His holy sacramentis, and from publict prayeris with His Church, be publike and solemned sentence, all obstinat and impenitent personis, efter dew admonitionis: which sentence, lawghfullie pronunced on earth, is ratified in heaven, by bynding of the same sinnes that they bynd on earth."[3] According to that *Order*, open malefactors, whether convicted by the civil magistrate or fugitive from the law, were to be excommunicated without delay. In other cases the matter was to be gone about with great deliberation, and earnest efforts were to be made to win the transgressor to repentance. If he proved obstinate he was to be excommunicated, and in doing so the name of Christ was to be invocated. The portion of this prayer which includes the sentence may be quoted to show its nature—

[1] This licence was confirmed by Cardinal Betoun on the 10th of May 1546, and again by Archbishop Hamilton on the 1st of October 1549. The cardinal in his confirmation embodied the licence by his uncle; and Hamilton, in his confirmation, embodied both. The licence is here printed from Hamilton's confirmation, which is preserved in the municipal archives of St. Andrews. *Haiff* = have, *big* = build, *ylc* = aisle, *utteth* = outwith, beyond, *calsay* = causeway, *hayffe* = have, *promuffe* = promote, *dyke* = wall, *cuynyeis* = corners, external angles, *biggins* = buildings, *almous* = alms, *cietenaris* = citizens.

[2] Eph. i. 22, 23; Col. i. 24.

[3] Laing's *Knox*, vi. 464.

"And because Thou hast promised Thyself evir to be with us, bot especially with such as uprightly travel in the ministery of Thy Church, whom also Thou hes promised to instruct and guyde by the dictament of Thy Holie Spirit, we most humblie beseche Thee so to governe and assist us in the execution of this our charge that whatsoevir we in Thy name do here pronunce on earth, that Thou wilt ratifie the same in the heavin. Our assurance, O Lord, is Thy expressed word; and therefore in boldnes of the same, *Heir I, in Thy name*, and at the commandement of this Thy present congregatioun, cut off, seclude, and excommunicat from Thy body, and from our societie, N., as one person sclanderous, proud, a contempnar, and one member, for this present, altogither corrupted and pernitious to the bodie. And this his sin (albeit with sorrow of hart) by vertew of our ministerie, we bynde and pronunce the same to be bound in heaven and earth. We farther geve over in the handis and power of the devill the said N., to the destructioun of his flesh, straitlie charging all that professe the Lord Jesus, to whose knawledge this our sentence shall cum, to repute and hald the said N. accursed, and unworthie of the familiar societie of Christians: declaring unto all men, that such as herefter befoir his repentance shall hant or familiarlie accompanie with him ar partakaris of his impiety, and subject to the lyke condemnation. This our sentence, O Lord Jesus, pronunced in Thy name, and at Thy commandement, we humblie desire Thee to ratifie according to Thy promise. And yit, Lord, Thou that camest to save that which was lost, look upon him with the eyis of Thy mercie, if Thy good pleasure be; and so peirse Thou his hart that he may feile in his breist the terrours of Thy judgementis, that by Thy grace he fruictfully may be converted to Thee; and so damning his awin impietie, he may be with the lyke solemnitie receaved within the bosome of Thy Church, from the which this day (with greif and dolour of our hartis) he is ejected."[1]

From 1573 until 1690 civil penalties accompanied ex-

[1] Laing's *Knox*, vi. 466, 467.

communication from the Reformed Church of Scotland.[1] As Dr. M'Crie has said: "There can be no doubt that they were one means of saving the country from the Popish conspiracies about the time of the Spanish Armada; but still they were radically wrong, capable of being made an engine of the grossest persecution, and consequently were wisely and happily abolished."[2]

Even in our own day, papal excommunication has not everywhere lost its terrors. According to the Attorney-general of the Philippines, under the military government of the United States, "the artlessness and deficient culture of a great part of the inhabitants of this archipelago are circumstances of which the friars have taken advantage, for, as is known, they take care to have it always believed that they can hurl excommunications, and command the terrible punishments of heaven, with the power to cast the disobedient into the uttermost depths of hell."[3]

APPENDIX Q.

John Scott's Historical Jottings.

John Scott was a notary residing in St. Andrews. Two of his protocol books, respectively extending from 1564 to 1575 and from 1575 to 1586, are preserved in the Register House. On the preliminary fly-leaves of both, there are many interesting notes, relating to current events with which as a notary he had nothing to do. Some of these

[1] *Supra*, p. 458.

[2] M'Crie's *Melville*, 1824, i. 156.

[3] *Report from the Secretary of War relative to the lands held for ecclesiastical uses in the Philippine Islands*, 1901, p. 181.

confirm facts and dates which have been disputed, others give incidents which are not elsewhere recorded, and a few supply desiderated dates. A selection follows:—

"Nota quod quondam Maister Joannes Duncansoun, Maiester Principalis Collegii Divi Leonardini, infra civitatem Sanctiandree, obiit mortem xx° die mensis Decembris anno Domini etc. lxvj^to. J. Scott scripsit. J. Scott scripsit."

"viij Martii 1566, Magister Georgius Bawquhannane factus est Primarius et Magister Principalis dicti collegii. J. Scott.

"V° Aprilis 1570, abivit simpliciter et reliquit collegium.

"xxviij Aprils 1570, Mr. Jacobus Weilkye creatus et factus est Mr. Principalis dicti collegii."[1]

"Nota quod Maria Regina Scotorum nupsit in conjugem ac maritum Henrico Stewarto, Duci Albanie alias filio Domini de Lennox, die xxix mensis Julij 1565. Ita est J. Scott.

"X° Februarij 1566 hora secunda in mane interfectus est Henricus Stewart in Edinburgo per quos non scitur eo tempore et domus in quo jacuit erat insensa igne;[2] et nunc per Jacobum comitem de Bodwalle, qui postea duxit in uxorem supradictam Reginam Scotie.

[1] Principal Lee has said that, "when Duncanson retired from the principality, in 1566, he gave to the college a great cup or maizer, double gilt," other articles and money, and "all his books both great and small" (Lee's *Lectures*, ii. 346, 347). Hew Scott identified him with the John Duncansone, minister of Stirling, who was promoted to be minister of the king's house, and survived until 4th Oct. 1601 (*Fasti Ecclesiæ Scoticanæ*, i. 150, ii. 671); but there must have been two John Duncansons, as the accuracy of John Scott's contemporary note cannot be disputed. None of Buchanan's biographers has been able to give the precise date when he became principal of St. Leonard's College, nor the date of his leaving. Even in *The College of St. Leonard*, so carefully compiled and edited by Professor Herkless and Mr. Hannay, one may search in vain for the dates which John Scott gives concerning Duncanson, Buchanan and Wilkie.

[2] The remainder of this entry is in the same handwriting, but in different ink. It has been added somewhat later.

"xvij Junij 1567, the quene was put in ward in Loich Levin, and was conviyit furth therof be ane George Dowglas, the lairdis brother, the secund day of Maij 1568, quhilk was the caus of the feild underwryttin."[1]

"Nota quod xxix° Julij 1567, coronatus est Jacobus Stewart, filius dictorum Henrici et Marie, in Regem Scotorum, et xxiij ejusdem mensis Julij Maria Regina dimisit suam authoritatem regineam, in favorem dicti sui filii, et consensit coronationi, etc.[2] J. Scott scripsit.

"Thurisday, the xiij day of Maij 1568, thair was bysyde Glascow ane gryt battell, betuix my lord of Murray, Regent of Scottland for the tyme, and the queine, the kingis moder, quhairin the queneis company was defait and mony of the Hammyltounes slaine, and sindrie gryt men tane and the quene fled in Ingland."

"Mounnday the xxiij day of Januar 1569, at xj houris befoir noun, James Commenditor of the priorie of Sanctandrois, Erle of Murray and Regent of Scotland, foirsaid, was schamfullie and tresonabillie slaine be Jaimes Hammyltoun of Boddelhaueg[h], with ane schoit of ane culvering, and passit his way nocht tane at that tyme. The vij day of Aprilie 1571, Jo. Hammylton, Archebischope of Sanctandrois, was [*at*—imperfectly deleted] hangit at Stiruiling croce at vj houris at evin, quha confessit that he was the cheif auther and devysar tharof, and mycht have saiffit hym gif he plesit. J. Scott."

"Mounnday, the thrid of Aprilie 1571, the castell of Dumbartane was win, the capitane tharof gat narrowlie away, and Jo. Hammyltoun, Bischoipe of Sanctandrois, was tane tharin, and disponit on [*and hangit*—interlined], on Satterday, the vij day of Aprilie 1571. J. Scott."[3]

"Twysday, the fourt day of September 1571, interfectus Matheus Stewart, Dominus Lennox et Regens Scotie, per unum Jacobum Caddell sive Cawder, de mandato Claudii Hammyltoun, filii Domini Arran, etc., in Streuiling, etc.; et v° Septembris electus est Joannes Dominus Erskyn in

[1] This entry is in the margin.

[2] It was on the 24th, not the 23rd of July, that the queen signed the demission.

[3] This entry is in the margin.

Regentem Scotie, de consensu nobilium. xxix Octobris 157[2, mor]tuus est idem Joannes Dominus Erskyn in Streuiling. Et Lune, xxiiij Novembris 1572, [electus] est Jacobus Dowglas, Comes Mortoun, etc., in regentem."

"Dominica, xxiij Decembris 1576, Mr Patrik Constance alias Adamson was inaugurat and consecrat Bischope of St. Androis.[1] xx° Februarij 1591 he departit to God.

"The x day of Marche 1577 yeiris, James Douglas, Erle of Morton, etc., regent to King James the Sext, was deposit fra his gover of (*sic*) office at Striuiling, be the kingis self, be perswation of the erleis of Argyill, Athoill and Montros, with uther certane of thar confideratis as the common brut was throuht the countra, quha tuik on thame the goverment of the king.

"Moninday, the xviij day of Marche 1578, Jhone Lord Glamis, chancelair to the kyngis graice, was slaine at Striuiling, be the Erle of Crawfurd as was allegit.

"Fryday, the xvj day of October 1579, King James the Sext maid his enteres in Edinburght toun, quha mad ane gryt triumph to his majestie.

"Thurisday, the xxj day of July 1580, King James the Sext maid his enteres in St. Androis.

"Moninday, the xix day of December 1580, thair came in the Eist Sandis besyd St. Androis, callit St. Nicolace Sandis, ane gryt quhaill, utherways callit ane huddoun. The Bischoipe and Prior of St. Androis, and the laird of Kynkeill, maid debait for the same, bot the inhabitantis of St. Androis tuik hir away and mellit with hir.[2]

"Moninday, the secund of Januar in the lxxx yeiris, James, Erle of Morton, was put in the castell of Edinburght in ward, and within x dayis thaireftir was convoyit to Dumbartaine in ward, and thair he remanit[3]

[1] The remainder of the entry has been added afterwards.

[2] It was probably because of his right to the fishings (*supra*, p. 569) that the bishop claimed the whale. *Huddoun* is a very rare word. It is used twice by Gavin Douglas; and is otherwise recorded only once, namely, in English of the fourteenth century.

[3] The remainder of this entry has been added afterwards.

unto the xxvij day of Maij 1581, quhilk day he came to Edinburght.

"Sabbati, xxij Aprilis 1581 yearis, James Stewart, secund sonne to my Lord of Ochiltrie, was maid Erle of Arrane, Lord Hammiltoun, &c., be dimission or resignation of James Hammylton, quha was knawin to be anc ediott and ane foull.

"The secund day of Junij, in the yeir of God etc. lxxxj yeiris, betuix four and fyve houris efter noun, James Erle of Mortoun was heidit at Edinbrught corce, and the Erle of Angus was banisit in Ingland, and my Lord of Mortounes ij sones and the laird of Maines, etc."

"xxiij Augusti 1582, my lordis Erskyn and Ruithwen and thair complesais mellit with the kingis [grace][1] James the Sext in Ruithwen. James Stewart, Erle of Arrane, was wairdit, his brother William verray evill hourt, and the Duikis grace of Lennox, Lord Obanye in France, etc., past to Dumbartane for saivtie of his lyff.

"Twisday, the xviij day of September 1582, Mr. William Skeyne commissar of St. Androis deid and departit from this lyff.

"Fryday, the xxviij day of September 1582, ane hon[orable] and worschipfull man Mr. Jhonne Wynram, sum tyme Subpryor of St. Androis abbay, Superintendent efterwart of Fyff, and Pryor of Portmoak, departit from this lyff, and was bureit in St. Leonardis kirk.[2]

"And the samyn day ane wyis and leirnit man Mr. George Buchanan [deid] at Edinburght."[3]

"xv Aprilie 1584, William Lord Ruthwen [*and Erle of Gourye*—in margin] was taine be ane William Stewart, alias Cronar Stewart, sum tyme sonne (?) to the laird of Gastoun, furth of William Drummondis hous in Dundie, and convoyit to Edinburght and thairefter to

[1] Omitted.

[2] Both the 18th and 28th of September 1852 have been given as the date of Wynram's death (Wodrow's *Biographical Collections*, Maitland Club, i. 463, 468). As the 28th fell on a Friday it may be accepted as the true date.

[3] Some portions of this and of the two preceding entries are very faded and indistinct.

Striuiling; and on the fourt day of Maij the said William Lord Ruithwen was justifeit and his heid struikin of, quha leift xiij bairnes behind hym all young."

"Moninday, the fyft of Julij 1585, the King of Danmarkis embassatouris came to St. Androis, and luigeit in Henrye Lawmonthis hous in Sanctandrois, and thair abaid fyve oulkis upon the King of Scotlandis anser of thair commission, for the redemption of the landis of Orknay and Zeitland, quha came to St. Androis with his nobilitie to that effect on the xxviij day of Julij 1585, and maid to thame ane gryt bankcat on Sounday the viij day of August 1585, and gaif thame thair anser in wrytt."

"Fryday, the xiij day of August 1585, ane Donald Makinnair, servand to Mr. Dauid Carmichaell servitour to my lord, Erle of Marche, Bischoipe of Caythnes and Commendatour of the pryorie of St Androis, deid of the pest in bairinisdaill hous, within the abbay of St. Androis."

"Upon the xxix day of August [1586], beand Mounday, [*at*—imperfectly deleted] betuix twa houris and thrie houris efter nown, ane noble and mychtie lord, Robert Erle of Marche, Bischope of Caythnes and Commendatour of the pryorie of St. Androis, departit from warld and randerit his sprit to God."[1]

"ix° Februarij 1586, Maria Queine of Scottis was heiddit in Londoun,[2] in the mornyng be nyne houris or thairby, and sa scho departit to God."

[1] This Robert Stewart was brother of the Regent Lennox and so uncle of the ill-fated Darnley. Keith (*Catalogue* 1755, p. 128) and Sir William Fraser (*The Lennox*, i. 362) give 29th March 1586 as the date of his death. John Scott's date is corroborated by the tombstone in St. Leonard's Chapel.

[2] The first letter is uncertain. The queen was beheaded at Fotheringhay on the 8th of February 1586–87.

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CORRECTIONS.

Page 61 *n.*, *for* "grievious" *read* "grievous."
,, 94, line 15, *for* "fleshy" *read* "fleshly."
,, 305 *n.*, *for* "Miscellany ii." *read* "Miscellany i."
,, 397, line 3, *for* "county" *read* "country."
,, 482 *n.*, *for* "upposing" *read* "supposing."
,, 550, line 15, *for* "Thomos" *read* "Thomas."
,, 595, *n.* 2, *delete* the first comma.
,, 630, line 14, *for* "Aprils" *read* "Aprilis.'

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